CHILD ABUSE AND DAY CARE

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT

OF THE

COMMITTEE ON WAYS AND MEANS

AND

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

HOUSE OF REPRESENTATIVES

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CONTENTS

Page

Press release of September 6, 1984, announcing the hearing 1

WITNESSES

Adams, Diane, Community Coordinated Child Care (4-C's), Madison, WI 95
Albanese, George, New Jersey Department of Human Services 134
Biaggi, Hon. Mario, a Representative in Congress from the State of New York 9
Caldwell, Bettye M., Ph.D., National Association for the Education of Young Children 53
Child Care Employee Project, Berkeley, CA, Marcy Whitebook 168
Children's Institute International, Child Sexual Abuse Diagnostic Center, Kee MacFarlane 42
Cohn, Anne H., National Committee for the Prevention of Child Abuse 68
Community Coordinated Child Care (4-C's), Madison, WI, Diane Adams 95
Father English Community Center, Paterson, NJ, Gail Manning 90
Flowers, Doby, New York City Human Resources Administration, Agency for Child Development 140
MacFarlane, Kee, Child Sexual Abuse Diagnostic Center, Children's Institute International 42
Manning, Gail, Father English Community Center, Paterson, NJ 90
Morgan, Gwen G., Work/Family Directions, Wheelock College 160
National Association for Child Care Management, Carole M. Rogin 117
National Association for the Education of Young Children, Bettye M. Caldwell, Ph.D 53
National Committee for the Prevention of Child Abuse, Anne H. Cohn 68
New Jersey Department of Human Services, George Albanese 134
New York City Human Resources Administration, Agency for Child Development, Doby Flowers 140
New York State Department of Social Services, Cesar Perales 131
Perales, Cesar, New York State Department of Social Services 131
Rogin, Carole M., National Association for Child Care Management 117
Whitebook, Marcy, Child Care Employee Project, Berkeley, CA 168
Work/Family Directions, Gwen C. Morgan, Wheelock College 160

SUBMISSIONS FOR THE RECORD

Anthony, Hon. Beryl, Jr., a Representative in Congress from the State of Arkansas, statement 8
California, State of, office of the attorney general, John K. Van De Kamp, letter and attachments 190
The Children's Times, Bertha Jones, letter and newsletter 194
Citizens Against Moral Pollution, statement 200
D'Amato, Hon. Alfonse M., a U.S. Senator from the State of New York, statement 22
Diocese of Paterson, secretariat for social ministries, Rev. Robert J. Vitillo, statement 200
Mikulski, Hon. Barbara A., a Representative in Congress from the State of Maryland, statement 201
Regula, Hon. Ralph, a Representative in Congress from the State of Ohio, statement 30
Summit Child Evaluation Center, Inc., Phyllis W. Palm, letter 202

CHILD ABUSE AND DAY CARE

MONDAY, SEPTEMBER 17, 1984

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT, COMMITTEE ON WAYS AND MEANS; AND SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES,
Washington, DC.

The committees met at 9:40 a.m., pursuant to notice, in room 2118, Rayburn House Office Building, Hon. Charles Rangel (chairman of the Subcommittee on Oversight, Committee on Ways and Means) and Hon. George Miller (chairman of the Select Committee on Children, Youth, and Families) presiding.

[Subcommittee on Oversight, Press Release No. 21, Sept. 6, 1984]

HON. CHARLES B. RANGEL (D., N.Y.), CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, ANNOUNCES A HEARING ON CHILD ABUSE AND DAY CARE

The Honorable Charles B. Rangel (D., N.Y.), Chairman of the Subcommittee on Oversight, Committee on Ways and Means, U.S. House of Representatives, announced today that the Subcommittee will hold a hearing on child abuse in day care centers. The hearing will be held jointly with the House Select Committee on Children, Youth, and Families on Monday, September 17, 1984, beginning at 9:30 a.m., in Room 2118 Rayburn House Office Building. The Select Committee is chaired by the Honorable George Miller (D., Calif.).

In announcing the hearing, Chairman Rangel noted, "Child care is extremely important for millions of parents who must work to support their families. Parents and others are alarmed by recent reports of child abuse and child sexual assault which have occurred in some day care centers. A major portion of day care is Federally financed by Title XX of the Social Security Act, through the Social Services Block Grant. Thus, the Subcommittee is interested in learning in what ways the Federal Government can help strengthen the day care system and prevent abuse."

WRITTEN STATEMENTS SUBMITTED FOR THE RECORD

Testimony will be received from invited witnesses only. All other interested parties wishing to submit written statements for inclusion in the record of the hearing are encouraged to do so. Persons submitting written statements should submit at least six (6) copies by close of business Friday, September 28, 1984, to John J. Salmon, Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, room 1102 Longworth House Office Building, Washington, D.C. 20515.

Chairman RANGEL. Today the Subcommittee on Oversight of the Committee on Ways and Means and the Select Committee on Children, Youth, and Families, chaired by my colleague, George Miller from California, hold a joint hearing on day care and child abuse. Most of you are aware of the shocking reports of alleged incidents of child abuse in day care centers throughout the country, in every region, in every economic area, and to children of all ages. The working parents of children that are placed in these centers are alarmed and confused.

As Members of Congress, we have the responsibility to monitor the Federal programs that support, to a large extent, the child care system throughout the country. Most particularly the Ways and Means Committee is involved in the title XX social services block grant to the States and through the child care tax credit, which helps offset the child care costs of working parents. Both of these programs come within the jurisdiction of the full Committee on Ways and Means.

Over 8 million children under the age of 6 have mothers who are in the labor force. This represents nearly one-half of all children of this age. Clearly, parents all over the country need safe, high quality, loving care for their children.

This hearing is not designed to indict the day care system or those who work within it. Our purpose is not to cast doubts on a system that generally offers parents adequate child care.

In today's hearing, we hope to begin answering two questions: One, how can the Federal Government help the States develop standards and procedures that will minimize the possibility of further incidents of abuse; and two, how can we ensure that those incidents which do occur are met with prompt, coordinated, and effective action?

As we look into this question, we will not forget that most care is provided by a series of often ad hoc arrangements that are not subject to any licensing or regulation at all. For most parents, these arrangements are the only alternative to licensed day care.

Also, in answering these questions, I believe that we must look at the day care system as a whole. I am not convinced that the problem of preventing child abuse can be separated from the broader goal of promoting higher quality day care generally. For example, we want to explore whether the transformation of the title XX program into a block grant lessened Federal ability to ensure quality day care, and whether the Reagan cuts in the title XX budget have affected the ability of the States to provide the kind of social services that help day care providers spot all varieties of childhood troubles, including that of abuse.

Other issues we will examine include specific proposals to prevent further incidents of abuse. We will explore the possibility of requiring criminal background checks of potential day care employees.

Congressman Mario Biaggi of New York has introduced legislation to that effect and he will be our first witness.

We will consider how State licensing and contracting procedures may be used to prevent such incidents. For example, how well does the licensing procedures of a State take into consideration complaints filed by parents in the past? Further, we want to examine ways in which States may develop methods of coordinating the response of all the agencies responsible once an incident has been reported.

We have already seen in New York City how the district attorney's office and the city's investigative agency charged one another with interference following one reported incident.

To help us explore these questions, we have invited as witnesses people representing a broad area of expertise in child care. We will hear from several trained experts in child development, and from a number of witnesses familiar with the day care system as a whole. We will also hear the testimony of State administrators responsible for the licensing and contracting of day care.

Congressman George Miller has had a legislative interest in this subject matter over the years and is the chairman of the Select Committee on Children, Youth, and Families. The select committee was specifically created to look into issues that affect the family. Congressman Miller is cochairing this hearing and I yield to him at this time.

Chairman MILLER. Thank you, Mr. Chairman.

I want to thank you for convening this joint hearing, the first between our two committees on a subject of incredible importance and deep concern to us, to our colleagues, and to the constituents we represent. I think that the convening of this hearing is a clear indication that it will not be enough for public policymakers to simply condemn the acts of child abuse in child care settings, that we have a responsibility beyond that, to try to pose solutions so that these incidents do not increase in child care settings.

As you mentioned, out-of-home care is a necessity and a reality for millions of American families. They have no alternative because of their families' economic needs. We must recognize that, and we must further recognize that the child care system has been put under incredible pressure to adjust to this change in American society and to do so at a time when the resources available for child care have diminished.

The Select Committee on Children, Youth, and Families has just conducted a year-long investigation into child care. Among other things, we looked carefully at possible Federal initiatives that will help increase the quality of that care. Within the next couple of days, the select committee will be issuing a report which will deal directly with the problems of abuse in child care. But I would hope that the public will understand that it will not be enough to condemn child care settings, that in fact the overwhelming amount of child abuse in American society, unfortunately, takes place inside the American family. We must come to grips with that larger problem if we are going to protect our children from a tragic long-lasting episode that, unfortunately, occurs all too often, not only in a child care setting, but within the family.

I look forward to the testimony of today's witnesses.

[The statement of Mr. Miller follows:]

STATEMENT OF HON. GEORGE MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

This morning's hearing will address the connection between child abuse and child care, which has been so pervasive in recent news accounts.

I think I can speak for my colleagues and my constituents when I say that we are shocked and angered by these tragic incidents They apparently know no geographic bounds and are not particular to any one type of child care setting. Most recently, a couple operating a day care home in Marin County, in my own San Francisco Bay Area, has been charged with sexually abusing children as young as two years old in their care.

At the same time, we must place these terrible offenses in context. Out-of-home child care is a necessity and a reality for millions of American families whose economic well-being depends on it. And millions of their children are well-served in the child care programs they attend. Nevertheless, the pressures on the child care to respond to the profound economic and social changes—more young children, more mothers in the workforce, more children in single parent households—have been enormous.

As the Select Committee on Children, Youth, and Families has conducted its bipartisan national child care initiative during the past year, we have learned that the child care system is diverse, haphazardly regulated, and inadequately supportive of either those who provide the care or the families who use it.

The depth of our concern is evident through this joint hearing—our first—with the Ways and Means Subcommittee on Oversight. We will seek solutions together.

Let me also state firmly, and with the full agreement of my Ranking Minority Member, that the Select Committee's report on child care, to be issued in the coming weeks, will address directly the problem of abuse in child care. And we will seek action on our proposals.

Today we will be hearing from experts who can help us develop effective measures to combat this difficult and sensitive problem: state and local human service administrators, child care providers and researchers, and national experts on child sexual abuse.

Chairman RANGEL. Congressman Marriott, who is the ranking member on the Children, Youth, and Families Committee.

Mr. MARRIOTT. Thank you, Mr. Chairman.

I, too, want to welcome the witnesses who have come here today to testify and look forward to their testimony. Although in recent years there has been increased awareness in intrafamily sexual abuse of children, little has been known about the extent of child sexual abuse by adults unrelated to the child. Researchers have estimated that while one-third of sexual abuse of children is committed by parents or family, anywhere from a third to two-thirds of child sexual abuse is committed by unrelated adults children know and trust. The recent spate of reports of sexual abuse in child care centers raises the immediate question of whether such abuse in child care is increasing or whether we are only now beginning to learn what is really going on.

In California, the number of day care licenses revoked for sexual abuse has increased tenfold from 1978 to 1984. Certainly the increased number of children in child care means that more children are at risk and thus more children statistically are likely to be sexually abused. Hopefully the witnesses here today can tell us something about the extent and nature of this problem and discuss how we an deter and prevent sexual abuse.

Along with my distinguished colleagues, Mr. Fish, Mr. Bliley, Mr. Sikorski, and Chairman Rangel, I am a cosponsor of H.R. 5846, which would prohibit federally funded youth organizations from hiring persons with criminal sex offense records. But criminal background checks are not enough. While some child molesters may be detected by this mechanism, we need a wider range of approaches to protect our children from abuse when they are away from their parents temporarily.

State licensing standards must be improved in a number of areas critical to the health, safety, and proper development of children receiving out-of-home care. More importantly, there must be better monitoring and enforcement efforts. Few State licensing regulations now require regular or unannounced inspections of child care facilities. Parent education and involvement and the training of staff are also important and should become part of a State's licensing requirements.

Parents, of course, have primary responsibility for the care of their children and we should not relieve them of that responsibility. Still, Government cannot ignore its own responsibility to insure minimum protection of its vulnerable citizens.

Congressman Rinaldo, a fellow Republican from New Jersey, took the lead in 1978 to protect elderly and disabled citizens by introducing the Keys amendment to ensure State-established standards for homes in which Social Security recipients reside. I plan to introduce similar legislation for title XX funded child care to require States to adopt, monitor, and enforce standards in certain areas while leaving States maximum flexibility to determine their own standards to meet their own needs.

I also commend Mr. Biaggi for providing Federal leadership by introducing legislation along with Senators Hawkins and D'Amato to establish State hotlines and licensing programs and to require a national file and State criminal record check for day care operators and staff.

Again, Mr. Chairman, I am pleased to be here and that we have such fine witnesses on this very important subject and look forward to an exciting day.

Chairman RANGEL. Thank you.

The Chair is pleased that Congresswoman Patricia Schroeder, a member of the select committee could be here with us this morning.

Mrs. SCHROEDER. Thank you, Mr. Chairman, and I want to compliment both committees for this hearing. I am a working parent and I think the stories are so shocking that it is difficult to even sit through these kinds of hearings. It is necessary because we must find out what we can do about it.

As cochair of the Congressional Caucus on Women's Issues, we have decided that dealing with the child abuse issue is one of the most important issues we face. We are paying more money in most States to kennel a dog than we are for foster children. That says something about the priority we place on children. When you look at how we take care of our property, most States have higher licensing requirements for plumbers and for people who deal with your property than with your children. Again, this really says something. We may go around espousing that we are such a child-oriented society, but when you look at how we spend our money and set our priorities, we clearly are not.

These disasters of late have been frightening to every one. One of the things that concerns me the most is that the Department of Health and Human Services still has not even made public what they are going to do to continue their child abuse reporting system for fiscal year 1984. At this point, it appears they are going to drop it. I hope we can find out about the reporting issue, too. It is a dangerous trend if the way we do away with child abuse is to stop reporting it.

This is not a problem that is going away. Although it is a problem we are now freer to talk about, we must take the next step and do something about it. Even though children don't have political action committees and can't vote, their issues are very critical and something must be done.

Chairman RANGEL. Thank you.

The Chair recognizes Congressman Frank Guarini, a member of the Ways and Means Committee, and the Subcommittee on Oversight.

Mr. GUARINI. Thank you, Mr. Chairman.

The past summer of 1984 saw shocking headlines throughout the Nation, reporting case after case of child sexual abuse. As shocking and ugly as the news was, it was exacerbated by the fact that many of the abuses occurred in places such as child care centers and residential centers for youth. Many of these cases were reported throughout the various States of the Nation, especially California, New York, and New Jersey.

I want to commend the chairman, Charles Rangel, for having called these hearings and I also commend George Miller, the chairman of the Committee on Children, Youth, and Families, in joining with this committee so that a proper focus and spotlight can be put on the seriousness of this problem.

It is hoped that as a result of today's hearings, Federal, State, and local governments, social agencies and even private industry, will redirect and expand financial and other resources to fight child abuse and to further improve the quality of child care programs. We do need a total national commitment. It is with this view in mind that I have asked the Secretary of Human Services, Margaret Heckler, to immediately take the necessary steps to ensure prevention of child sexual abuse since many of our children in day care centers are funded under the provisions of title XX.

It has been very disturbing for me to find that no uniform standards or criteria at the Federal level exist as to licensee standards and personnel requirements which do and should ensure the safety, health and developmental protection of the child, nor are there States that require a criminal check of personnel in child care.

It is of the utmost importance that the personnel who work in these facilities be free of police records or behavior patterns which would adversely affect the children. We have a national policy to protect the bald eagle, but we had better start on a uniform and adequate national policy to protect our children, our most precious resource, from child sexual abuse, especially in centers which have been created and funded with Federal moneys and funded where they should provide a high quality of care.

Working parents throughout the Nation seek frantically in all directions for places to care for their children in safety and security while they are at their jobs. Eleven million children nationally are presently in day care programs. It appears that there is inefficiency, confusion, and neglect in many of our day care centers. The task is enormous and an important one. I have a great regard for the individuals who upon inquiry say, "We are doing our best," but some argue that their best is not enough.

We must examine whether additional funding for physical plants and for programs monitoring personnel may be needed. The truth is that employees with drug and sex abuse records are now working in some of these centers. In New Jersey alone, there are more than 1,700 facilities, both large and small, licensed by the State. They range from large child care operations with hundreds of children daily, to small baby-sitting operations.

Almost 100,000 children are in various child day care programs throughout our State in New Jersey now. According to the information provided, there were 29,921 reported child abuse cases in New Jersey this past year, with estimates of more than 10 percent involving some sort of child sexual abuse. There are thousands of cases that go unreported. It is my hope that these hearings will provide incentives for those affected to report each and every case of child sexual abuse to proper authorities.

It is also my hope that all police agencies can come to the assistance of groups involved in youth programs and in areas of day care, education, recreation, whether public or private, when they seek information regarding known offenders.

I am certain that perhaps American private industry can join in providing competent service to child care centers, not only to their employees, but to communities in need especially responding to the call of the single-parent families, whose number has been estimated to exceed 50 percent of America's work force.

The working parents have a right to feel that their children are being properly provided for. The public has a right to know the hard facts and to benefit from recommendations from those in key observation and administrative posts. We must afford complete protection for these children. Our Nation deserves no less.

Thank you, Mr. Chairman.

Chairman RANGEL. The Chair recognizes Congressman Beryl Anthony a member of the Committee on Ways and Means Subcommittee on Oversight and a member of the Select Committee on Children, Youth, and Families.

Mr. ANTHONY. Thank you, Mr. Chairman.

I have a statement that I would like to submit for the record.

Chairman RANGEL. Without objection.

Mr. ANTHONY. And I would like to say welcome to one of my constituents from the State of Arkansas, Dr. Bettye Caldwell, who is president of the National Association for the Education of Young Children. I look forward to her testimony.

Chairman RANGEL. The Chair joins with you.

Mr. ANTHONY. And I would like to close by saying, Mr. Chairman, I, like many of my colleagues in Congress, have a prosecutorial background, so I can tell you that child abuse and sexual abuse, is not a new problem. I hope that Members of Congress will not deceive themselves into thinking they can introduce a piece of legislation and say that this is a quick fix; say that we have done our civic duty, and go home. The problem is much more complex and detailed than that and I think that is where not only your committee, Mr. Chairman, but also Mr. Miller's committee, should with some reason and some thought, into a long-range program of trying to solve this problem.

With that, I look forward to hearing the witnesses.

Chairman RANGEL. Thank you.

[The statement of Mr. Anthony follows:]

STATEMENT OF HON. BERYL ANTHONY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

We have all been horrified by recent revelations of child abuse in day care facilities. But I imagine no one has been more horrified than the parents who have children in day care.

One of the toughest decisions for a parent is day care for children. And it is a problem more and more parents face as the number of women in the workforce increases.

For many women, working is an economic necessity, not an act of personal fulfillment. Fifty-two percent of the mothers of children younger than six are in the labor force. In 1984, there were 1.8 million women with children under six who were working because there was no spouse present. In 1983, there were 26.1 million families in which the mother and father both worked; 6.2 million of these families had children under the age of six.

Day care constitutes a major expense for many families. In California, an average single mother with a child under the age of two spends 49 percent of her income on child care. A two-parent family earning $24,000 a year has to spend 26 percent of its gross income for day care for two small children.

The federal government has a special obligation and responsibility to these working parents: It is federal financing of day care—through direct and indirect funding—that has enabled many daycare facilities to operate. The federal government directly funds day care centers through Title XX of the Social Security Act and indirectly through the child care tax credit. Historically, about 21 percent of total state, local and federal funds under Title XX have been spent on day care. The largest single source of federal expenditures on child care is now the child care tax credit. Tax expenditures under this program in Fiscal Year 1984 are estimated at $1.76 billion.

The purpose of this hearing is to determine how the federal government can help reduce the probability of further incidents of child abuse and how we can insure that any incidents that do occur are met with prompt, effective and coordinated action by responsible agencies.

The revelations of child abuse and other problems in day care centers and the inadequacies of current state regulations have spurred a call for stricter regulation—not just from government officials and social workers, but from parents, themselves.

As one parent put it: "Although standards don't guarantee quality in a center, the absence of them frequently mitigates against quality."

Others argue that we set federal standards for the safety of automobiles and buses, railroads and highways, consumer and health products, why shouldn't we set minimum standards for those who care for our greatest resource—our children? We regulate the care given the elderly in federally-funded facilities, but not the care given our children in federally-funded facilities.

I think most people agree that there should be some regulation of day care—for health, sanitary and fire safety, at the least. The question is how much, what form it should take, whether it should be under federal or state control and whether the standards should be uniform throughout the country.

Most states now have laws governing child care, but these laws vary widely from state to state, and in the degree of enforcement. Many officials say the states have neither the manpower nor the money to enforce even the limited standards now in effect. David Beard, director of day care licensing for the State of Texas, says what is needed is more money, more help from parents and more cooperation from law enforcement officials (to curb child abuse), not federal standards.

Until recently, the major source of funding for child care was Title XX. In 1981, at the insistence of President Reagan, Title XX was cut by 21 percent—dramatically reducing federal subsidies for day care services to low-income families and federal grants formerly used to help pay for the regulation of child care programs. Direct federal spending on child care for low-income families dropped 14 percent between 1981 and 1983.

These figures disturb me greatly. I believe that the working poor are just as entitled to quality day care for their children as are the working wealthy.

This leads me to another area of concern. Are we, in our tax laws, creating a disparity in the quality of child care between income groups? If we use the federal income tax code as a vehicle for promoting or helping finance quality child care, it should be used fairly and equitably for all income groups. But is it?

Are we not giving tax advantages to middle- and upper-income groups that are not available to lower-income workers by continuing the tax exemptions on salary reduction and fringe benefit plans. For instance, if an employer offers, as part of a fringe benefit plan, an employer-financed day care center for his employees, in lieu of a taxable salary increase, are we not subsidizing daycare for the employee who opts for this non-taxable fringe benefit?

What concerns me is that it is employees in middle to upper income brackets that get this tax-free benefit, not lower-income workers. I would urge you to look at this aspect of our tax laws, in addition to addressing the question of child abuse.

I would also urge you to look at what can be done in our tax laws to promote the establishment of quality day care centers that operate at reasonable cost to the parents. Do we need special tax incentives for the operators of day care centers?

The key, critical factor in the operation of a quality day care facility is the personnel who run it. By having well-qualified personnel, and enough personnel, we can eliminate most, if not all, of the abuse problems. But day care facilities are labor-intensive operations, and therefore, expensive. In an effort to hold-down costs, the wages of day care workers are usually very low. Two out of three center-based care-givers earn below poverty-level incomes. Eighty-seven percent of family day care workers earn below minimum wage. These poor wages contribute to high levels of staff turnover. They also contribute to minimum training for child care workers. Only about 25 percent of the employees in child care operations around the country have had professional training in dealing with children.

There is concern, also, that the growing demand for child care is luring ill-trained or otherwise unqualified people into the field. Few states or cities have adequate safeguards to prevent the abuse and neglect of children at such operations. And, in many states, the background checks of potential employees are so cursory as to be meaningless. Other states have no requirements for background checks. The results can be tragic. I cite the specific example of a 25-year-old man-out on parole after being convicted of molesting a nine-year-old-girl—who was arrested for the alleged sexual abuse of two dozen children at a baby-sitting service he operated in Florida.

In this discussion of regulation of child care facilities, however, let us not forget who has the greatest responsibility for quality of day care a child receives. It is not the government—federal or state. It is the parent. The parent must be involved in selecting the facility most appropriate for his or her child and in insuring that the child is being well cared for and is happy.

Thank you.

Chairman RANGEL. The Chair recognizes Congressman Roy Rowland from the select committee.

Mr. ROWLAND. Thank you, Mr. Chairman.

I, too, believe that sexual abuse of children is something that has been more prevalent than we have suspected in the past and I commend you and Mr. Miller for this joint hearing to focus attention on it. I believe we will learn more and more about something that has existed for a long time and I just commend you for this hearing today.

Chairman RANGEL. Thank you.

The Chair will ask as our first witness my colleague from New York, Congressman Mario Biaggi, to come forward. Congressman Biaggi has a distinguished background in law enforcement service and just as laudable a record in his legislative initiatives. We thank you for introducing legislation on this matter, H.R. 6207, that we would ask all witnesses to focus on and to share their opinion of it.

At this time we ask Congressman Biaggi to outline that legislation and to testify as he feels most comfortable. Thank you for being with us.

STATEMENT OF HON. MARIO BIAGGI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BIAGGI. Thank you very much, Mr. Chairman.

First I would like to thank you for the opportunity to testify today and for holding this hearing. I commend you for your leadership because you have been in the forefront of issues and causes which have helped the less fortunate in our Nation for a considerable period of time. Your advocacy for justice and fairness has earned you the total respect of your colleagues in the House. I am delighted that you hail from the Empire State and are my colleague from that State.

As to Mr. Miller, the distinguished chairman and my colleague who serves on the Education and Labor Committee, and who is becoming a powerful voice for the Nation's children in his capacity as chairman of the Select Committee on Children, Youth and Families, I congratulate you for your performance on the Phil Donahue Show this morning. Once again, you have made the position clear and focused attention on the problems that confront our Nation.

I come to this issue as no stranger. Prior to my election to Congress in 1969, I served for 23 years as a career police officer in New York. It was in that position that I first learned of the horrors of child abuse. It was that experience which led me to introduce my first bill in Congress—legislation designed to prevent child abuse.

This initiative was one of the forerunners of our landmark 1974 Child Abuse Prevention and Treatment Act, which I am pleased to note has just completed its reauthorization process and should be considered by the House this week. It has been some 15 years ago that we had hearings in connection with child abuse, Mr. Chairman. In that time we have seen the legislative process develop and produce legislation which brought the Federal Government into the picture.

There was a time when the argument was the Federal Government didn't belong in the child abuse area. We overcame those arguments. Clearly there has been considerable improvement in that direction. I hope that this hearing will be the first step in addressing ourselves to the child day care problems that have been recently revealed and which are a shock to the Nation.

I think it is important, that the Federal, State, and local authorities get their act together. They shouldn't stand on formalities and bureaucracy. They should look to the problem and say "Let's deal with it in a realistic fashion."

I know that you are familiar with the serious problems which have recently come to light regarding the sexual abuse of children in day care centers in our home State of New York. However, the problem is not a local one. Similar incidents have been reported in Florida, California, Maine, New Jersey and other parts of the country. It is a national problem and one which we as a Nation can no longer ignore. It is a human problem.

We are talking about failures of certain human beings. These individuals can work their evil way. Clearly it is a national problem.

I would go further. Wherever you have children you have this problem. It is a world problem. You are talking about a basic human failing. It is not indigenous to New York or to any one of the States I have mentioned. It is indigenous to the character of man in the generic sense.

Since 1977, the number of children 5 years old or younger whose mothers are employed has increased by more than 50 percent to nearly 10 million. At the present time, 52 percent of mothers with children 6 years of age or younger and 48 percent of mothers with children 3 years or younger are in the labor force.

Therefore, there has been a tremendous increase in the demand in recent years for child day care. The increase in the number of single fathers has also contributed to this demand. Unfortunately, this growing demand has lured ill-trained or otherwise unqualified people into the field. About 21 percent of Federal, State and local dollars spent under the former title XX program were used for day care. In 1981, about $751 million in Federal title XX funds was spent for day care.

However, under the Social Services Block Grant [SSBG] Program, which was enacted as part of the 1981 Budget Reconciliation Act, the Federal Government has no say in establishing any requirements for day care centers, even though they are financed to a large extent by Federal dollars.

What we are saying is that as a result of the block grant, we have surrendered or abdicated our responsibility for supervising and monitoring. Our dollars are going into these centers, the abuse is going on, and we don't have the monitoring capability. The inescapable conclusion is that Federal dollars are subsidizing the horrible abuses that we are witnessing in these centers. We should stop using Federal dollars to subsidize what is occurring in those centers. We should change the process so that the Federal Government has the ability to monitor and hold State and local officials accountable.

Clearly, we don't have that ability today. The Social Services Block Grant Program only requires that the day care provided with title XX funds meet applicable standards of State and local law. During the recent sexual abuse scandal in New York, the Department of Health and Human Services found itself powerless to intervene. It was finally only able to take steps to help correct the situation by seizing upon the opportunity presented by the fact that one of the centers involved was also a recipient of Head Start funds.

Absent that, they had no hook in which to get involved. This is why it is so critical to change the process that we have today.

The philospphy behind the block grant program was to provide the States with more flexibility in using Federal funds to best meet their needs. I do not believe that the Federal Government intended to, or should, abdicate its responsibility to assure that federally-funded programs meet the needs of the people for whom they were designed. But, again, it was that block grant process in 1981 that brought that about.

As a matter of fact, prior to the block grants, there was a debate for more than 4 years over whether or not there should be standards and regulations. During this time there was considerable opposition. However, what did develop was a number of rules, rules that were published, rules that were heard, and rules that were in fact agreed upon. They were to be implemented, and would have been implemented but for the block grant that came on and negated that whole process.

As I stated earlier, current law only requires that day care centers meet State and local standards. Unfortunately, these standards vary greatly from State to State and are insufficient to prevent the tragedies that have prompted Senator D'Amato, Senator Hawkins and I to introduce legislation to regulate day care centers.

According to the National Association of Social Workers, only about 25 percent of the employees in child-care operations around the country have had professional training in dealing with children.

I appreciate the opportunity to discuss this issue, and day care in general, and to focus on the legislation which I have introduced, H.R. 6207, the "National Child Protection Act." My bill, which would establish a nationwide screening mechanism and cover all child care services in the State whether or not they receive Federal funds, would require that in order for a State to receive any title XX funding, it must, among other things, require that no individual or provider be licensed to provide child care services if the individual or any employee of the provider has been convicted of child abuse, child molestation or a similar act.

I might also note that in one of the cases in the Bronx, there was a drug addict involved, and clearly that type of crime should be brought into play. There may be some other crimes that would be germane to this situation. In the end in the screening process, we should be in a position to make a full determination on a case-by-case basis. There are some times when a person has a criminal record that shouldn't automatically prohibit that individual from being employed. That person may have had an arrest 15 or 20 years ago, and had been convicted of an assault or robbery, but is now rehabilitated and is a bona fide member of society.

I have always felt that once a man pays his debt to society by fulfilling whatever term the judge has sentenced, he has a right to come back as a bona fide contributing member, and he should not be inhibited on that score. That is why it is important that these individuals in the screening process be dealt with on a case-by-case basis.

It is clear that there is a need for Federal guidelines and minimum standards in this area. Though the Department of Health and Human Services published extensive regulations governing—I referred to this earlier on when I told you they had the regulations published and they were in fact implemented but never effected, because of the change of funding.

The bills which Senator D'Amato and I have introduced would once again call upon the Secretary of Health and Human Services to issue regulations establishing standards and guidelines for State licensing and monitoring of providers of child care services.

The bill further provides for the establishment of an "Advisory Panel on Child Protection," to draw up the standards and guidelines to be issued. It would be composed of members appointed by the President and both Houses of Congress to advise the Secretary, who will serve as an ex officio member.

Once again, Mr. Chairman, I would like to thank you for your prompt action on convening hearings on this issue. What the Congress does will affect the safety, health and well-being of the millions of children in the day care centers throughout the country. I offer my bill as one approach which I trust will be given thorough consideration.

And I say that prompt action is critical. As Members of Congress, as a Nation, we cannot delay addressing this very grevious problem that is just detestable to begin with and totally unacceptable from every perspective. There is a crying need, because we are dealing with a most precious element, the young children, infants.

Someone questioned whether or not there might be an invasion of privacy by having employees go through a whole screening process. I know, Mr. Chairman, my attitude on that. I respect privacy. It is an area that should be clearly protected. However, if we are going to have to choose between the rights of infants and young children and the right of privacy of a person who seeks employment in that area, I strongly suggest that the latter be subordinated to the rights of the young children, their welfare and their health, and they not be traumatized.

The children are traumatized, the parents are traumatized and society is besmirched.

Chairman RANGEL. Thank you, Congressman.

In your legislation, did you not have provisions for a hot line where reports could be made?

Mr. BIAGGI. Yes, we do, for a national hot line 800 number that would provide HHS with information. That reporting process has always been a difficulty. We had that with child abuse until we enacted mandatory reporting laws. People are reluctant to get involved. When reporting became mandatory and when the Government and society became more aware of the problems of child abuse, there was a skyrocketing of child abuse reports.

Child abuse didn't increase, it was always there. We didn't know about it, and if we did, we chose to ignore it. Mr. Miller, the chairman of the Select Committee on Children said very clearly, most of the child abuse is done at home. Who is to report, who is to complain? The wife? She may be intimidated. She is afraid. It is a disgrace. It is something she wouldn't want anyone to know.

Would it be a doctor, a professional person, it should be, but did they? No, with rare exception. They didn't want to become involved.

Chairman RANGEL. Who would be on the other end of the phone?

Mr. BIAGGI. That hasn't been established. It could be an agency, it could be—I think that is a relatively simple problem to resolve, Mr. Chairman.

Chairman RANGEL. How do you respond to the question as to whether or not this is additional bureaucracy, redtape, Federal intervention, State rights and that type of question?

Mr. BIAGGI. We have been confronted with all types of impediments in the process of legislation, Mr. Chairman. Those are not new arguments. I will deal with each one of them in due course, but I could really, in one swift stroke of the brush, say they are all relatively insignificant when you compare them to the problem and to the tragedies that have been revealed and what is at stake.

You know, sometimes you talk about child abuse—it is presented as just the poor person putting a child in a day care center. When you say poor person, a whole image develops, and there is less sympathy for it. It is not that anymore. Day care is a necessity for single mothers, and even fathers, to place their children somewhere. To place their children somewhere so that they can go out and work, be productive members of society. Those children should not be exposed to anything.

I mentioned privacy. I mentioned that. Yes, I respect it, but it should be subordinated to this concern. Or to put it another way, the individual who is applying has a right to privacy but does he have a right to that job? That is a condition of employment. We have conditions of employment in every walk of life, in the Federal Government. You must meet those conditions.

What it would require is that the Federal Government have the ability to monitor, and every agency does that. They have that ability and do, in fact, not sufficiently—we have that ability as Members of Congress through oversight. I don't think we do that enough because we don't have that ability, time and all the burdens placed upon us.

You know it is critical. That is why it is important for the community to be involved to communicate to us where there are some abuses so we can go out and have these oversight hearings as we are doing. Federal intervention has been involved in every—just almost every walk of life.

What seems to be happening right now is that if we don't get involved, people will say that the Federal Government is running away from its responsibility. I don't think we want to be put in that position. I know you don't, Mr. Chairman, and the members of that committee don't. Certainly, I don't.

Chairman RANGEL. Thank you, Congressman.

The Chair recognizes that we have been joined by Congressman John Duncan from the Ways and Means Committee, and the Chair recognizes Chairman George Miller, the chairman of the Select Committee on Children, Youth, and Families.

Chairman MILLER. Thank you, Mr. Chairman.

I want to commend Mr. Biaggi both for his testimony and for his legislation. I think he makes a very important point which all the members of this panel ought to be cognizant of. That is, at the very time our child care system is under great pressure to provide slots for families who need care for their children during some or all of the working day, the Federal Government has decided to withdraw support for that system. In addition, a good portion of people who are working in child care are working for less than poverty level wages. They are often people with advanced degrees working for the minimum wage. Under these circumstances, it is hard for me to see how we can expect more than we have got.

We like to believe that people enter this system because they love children and like to care for them and do all the things that we expect of our own families. The fact of the matter is that child care is also part of a larger market system. It is a system that, for pay, will take care of our children, but we are paying less now, and trying to sustain this system on the cheap. I think Mr. Biaggi makes a very important point. The increased demand for child care and the desire of providers to meet staff ratios, while working with fewer resources, has resulted in decisions which have attracted some people into the system that we might not otherwise have seen.

Perhaps some providers have preferred not to do background checks and those kinds of things. Mr. Biaggi is simply asking people to make a conscientious decision not to hire people with this kind of record, and that is absolutely important. I think we have to consider, in addition, whether we are going to adequately support our child care system, so that those families who have to make the choice to provide out-of-home care can trust that their children will be in a safe and decent setting.

We should read carefully page 3 of Mr. Biaggi's testimony. He points out that we can beat our chest all year about this issue, but unless we address the issues of support for the child care system, and provide the States—who are going to be asked to upgrade their systems to do the kinds of things they should already have been doing—a means for training and enforcement, we will go on to other subjects, and children will continue to be abused.

I think it is important to understand that we were on the verge at one point of having an accountable system of child care, of having expanded training, of having a system that we would be comfortable with, and along came the Reconciliation Act and wiped that out. That doesn't make child abusers, but I think we have to look at the kind of system that we now expect to take care of our children. It is unacceptable to all of us, and we know that.

I think what you point out is that it is going to be a long, arduous task before we once again have faith in the system.

I thank you and Senator D'Amato and Congressman Rangel for introducing legislation which will help us begin this rebuilding process.

Mr. BIAGGI. One of the problems with the block grant in 1981, the Reconciliation Act, was, one, we surrendered accountability, but, two, we gave the State the flexibility. We cannot be sure what the States will do. Different States do different things. If they take a dim view of day care, little money goes there.

Chairman MILLER. You and I like to think we represent progressive States, and it has not taken us long as policymakers to look at that legislation and determine that it is unacceptable.

How can I assure parents in the State of California that their children are in a safe setting, when we might visit that setting only once every 3 years to see what is going on? This is not just an issue for poor parents or poor working parents. We learned over the weekend about a whole new breakout of incidents in our highest income county, and so it is a problem shared by all groups.

Mr. BIAGGI. Mr. Chairman, I think it is important to point out, in all fairness and justice to those employees and those involved with the day care centers, that the vast majority are committed, wonderful, caring, generous, loving people. What is happening in this situation is what happens with all situations that take on a sensational aspect, all are blighted with the event. I think it is incumbent upon us to point out that the instances of abuse represents an infinitesimal amount.

Chairman RANGEL. That cannot be overstated. You are correct.

Mr. BIAGGI. Although it is small, it is critical. On the positive side, those that I have seen are loving, caring, wonderful people, even though they are not being paid adequately for the responsibility that they are given.

Chairman RANGEL. Congressman Marriott of the select committee.

Mr. **Marriott**. I will just be brief and congratulate you for the work you have done in this area. We certainly don't know enough about child abuse or child sexual abuse, and your work should help remedy that.

I heard in testimony a few weeks ago that maybe 10 percent of the actual child abuse cases were actually being reported, so that the problem goes far beyond even the poverty we have.

You have introduced a bill which has the Federal Government impose certain standards on States, and I applaud that. I have a similar bill which requires States to impose their own standards, but in any event, I hope that we can move forward with that legislation and get something on the books as quickly as possible.

I think we have a job here in Congress of educating our own Members about the problems of child sexual abuse. I have tried to put an amendment on the Child Abuse Prevention and Treatment Act this year for $6 million additional for child sexual abuse treatment. That got shot down and I was called the budget buster of Congress, and yet the amount of money that we spend for child abuse is really a shame, and I hope that all of us can work to get your legislation passed and to get more money allocated to help in the prevention of child abuse.

I just wanted to congratulate you on the great work that you have done in this area over the years.

Mr. **Biaggi**. Thank you very much, Mr. Marriott. Clearly, we are on the same track. I would suggest that if another opportunity provides itself to offer that amendment in the light of what has occurred, it is more likely to be enacted. It is insignificant and sometimes people get caught up in a wave of pseudoeconomy. My one concern, when you say your legislation would permit the States to impose their own standards, is that some States might not be as seriously involved and might not be as kindly disposed to this type of issue.

We find this in many other areas. We find it with grandparents visitation rights. There are some States that are progressive. Scratch the word "progressive." That automatically sets up a signal of negative—a negative signal. Some States look more realistically at the problem and develop legislation that addresses that problem more competently, and other States will not.

There are a number of States out there with the legislation and provisions, but they vary. That is why I think it is important that your legislation at least provide some minimal standards.

Mr. **Marriott**. I would hope that our legislation will provide minimum standards. The objective of my legislation would be to make sure that we can get a piece of legislation through the administration.

I would like to come up with something that doesn't look like a Federal mandate, that has a chance of passing, and that still imposes the kind of levels of standards that both of us are seeking.

Mr. **Biaggi**. I appreciate that.

Chairman **Rangel**. Congresswoman Schroeder.

Mrs. **Schroeder**. I want to compliment the gentleman from New York. I know how long and how hard you have worked on child abuse and trying to prevent it. I am sure you are as upset as I am about Health and Human Services not making public its plans for continuing the child abuse reporting system that we worked so hard to get into effect. I think we have to make that public.

There is a way to avoid spending money, and that is to pretend like it is no longer a problem. One way you do that is by not collecting the data. I agree with what you say about child care standards and with your bill.

I just wanted to move to another area where you have some expertise as a policeman. One of the problems that we have when we try to talk about standards and their importance is that people will stand up and say "Bureaucracy, you are laying on more duties of reporting."

I think the problem we have here is that children are not equal players in this issue. When children are subjected to this type of abuse, people sometimes tend to think they don't know what they are saying. They are really not an equal player in dealing with this. I think that the standards tend to be more important in this type of situation.

I know you are familiar with court and prosecution hearings. First of all, it is a difficult thing to make children testify in that public a setting. Trying to figure out how you make it believable and how you give it equal weight is also difficult. They don't even know the words of art.

Wouldn't you say that is one of the reasons we have to move on this?

Mr. BIAGGI. No question. Gentlelady, to begin with, as one of the leaders in this whole child abuse area, I remember when she first came to the Congress and we vied for location and it went to Denver.

Mrs. SCHROEDER. That is right.

Mr. BIAGGI. I was most impressed by your effectiveness. I was looking for it in New York, but the fact of the matter is, clearly, that one of the problems is the young ages of the victims. What we must learn, and I think the courts are recognizing it and they are adjusting it somewhat, is that parents should talk to children, ask them what happens, talk to them all the time, because children are reluctant sometimes to report. Talk to their children. But if a parent will ask a young child what happened, "Is everything fine, did anyone touch you?" That is an innocent question. It might have been a classmate that touched her, or she might say, "Yes, the man touched me."

"Where did he touch you?" It's still innocent.

"Well, he might have taken me by the hand or touched me here" or this place or another. That is important. It is important to have that kind of an open dialog. I heard someone on the TV the other day, where the young girl was talking to her mother. She said, "The man touched me. He touched me here and he did something bad, Mommie." And she said, "I am telling you, I am good, aren't I? I am telling you." It was pathetic, so childlike, but so real.

The mother said, "Yes, you did something good," and she held her. "Yes, you did right by telling me, absolutely." We find that the younger the child, the more likely it is the truth.

Mrs. SCHROEDER. That is right.

Mr. BIAGGI. Of course, we know that when children get a little bit older, they start to fantasize in development and that could be a problem. But when you are talking about 2-, 3-, and 4-year-old children, at that age they generally tell the truth. The younger they are, oddly enough, the more believable they are.

Mrs. SCHROEDER. I totally agree, and we all have to learn how to handle that. I thank you very much for your constant care and concern in the area.

Mr. BIAGGI. Thank you.

Chairman RANGEL. The Chair recognizes Frank Guarini.

Mr. GUARINI. Thank you, Mario, for your very moving comments, and for your legislation and for the statement that you have just made. In New York and New Jersey, the State authorities, I understand, won't give any information to day care centers, probably under the right of privacy laws, and of course there is legislation, I understand, that is to change that in the State.

I further understand, according to U.S. Supreme Court decisions, that no right is an absolute right. A very famous decision, in which the Court had stated that there is no absolute right to freedom of speech or freedom of assembly, where you can't stand up in a crowded theater and yell fire, so that anyone who applies for a job in a sensitive area certainly must be completely aware of the fact that there is a condition, that there is information that has to be obtained about him or her, who have applied for that particular job, so I don't see where we should have any very serious problem with the right of privacy, because our first priority, and our first commitment, would be to protect these innocent children.

I am wondering whether or not you feel that where the Federal Government has set criteria, that if the States adopt the criteria and implement it, that the Federal Government will not have to implement the program, that it wouldn't have to do the inspection or wouldn't get involved, that it would leave it to the States, where the States accepted the standards of the Federal Government.

Have you had any thought in regard to that? This just follows what Mr. Marriott had suggested, except I am saying that the standards are Federal standards.

Mr. BIAGGI. Yes.

I think what the legislation requires is for the State to adopt standards. Those standards will be adopted, created by the State, but they will be pursuant to Federal guidelines, to insure some uniformity. I think that should diminish the argument of State rights, because in the end it will be the State that in fact establishes the standards.

I might point out that in order to be eligible for title XX funds, the State must establish standards for all day care centers, not just those that are funded by Federal funds, but all day care centers.

Mr. GUARINI. But should the standards be Federal and uniform throughout the 50 States regardless of whether or not they are implemented by the Federal Government or by the State?

Mr. BIAGGI. They should be uniform, clearly, and they should be established by the States, but the Federal Government will create guidelines. The actual standards will be pursuant to these guidelines. There are areas of variation, but as long as they don't depart to the point where the problem is not dealt with, it would be OK.

Mr. GUARINI. Right. A parallel is the Head Start Program. As we know, we are dealing with children there, and I know of no abuses that have come out of that program, as have come out of the day care center programs. Yet we have people who are dealing with young children. I think one of the differences there may well be the fact that parents are involved in the operation.

They have a hand in it, whereas at day care centers, the parents drop the children off in the morning, they run to work, pick them up, and they run back from work. It is somewhat of a different kind of an operation. But I think we can learn something from Head Start, as just one of the many facets in trying to find an answer to the day care center problem that we have in our country.

Mr. BIAGGI. That is a very important difference.

Mr. GUARINI. Yes.

Mr. BIAGGI. The absence of parents—my God, you wouldn't have this problem in the day care centers except that the parents can't be there full time—that is the purpose of the day care centers.

Mr. GUARINI. That is right.

Mr. BIAGGI. So parents can go out and earn a living. The alternative for many would be to stay home and remain on the welfare roll. There are so many benefits flowing from the day care center for an individual, for a family, for a person to become a meaningful, constructive member of society rather than just languishing at home, and being psychologically negatively affected.

Mr. GUARINI. Right.

Mr. BIAGGI. When people go into the work force, there is a feeling of achievement. We all know that. He is earning and has an opportunity to go forward, and that is clear. I am sure, that as those individuals earn more dollars, they will take their children out of day care.

Mr. GUARINI. By that time they are much older.

Mr. BIAGGI. That is true.

Mr. GUARINI. And the children are much older also.

Mr. BIAGGI. They will take their children away from them and provide maybe more personal day care centers, day care attention.

Mr. GUARINI. I thank you very much, Mario.

Chairman RANGEL. The Chair recognizes Beryl Anthony.

Mr. ANTHONY. Thank you, Mr. Chairman.

Mario, how strict a law does New York have as far as licensing of day care centers?

Mr. BIAGGI. I didn't hear you.

Mr. ANTHONY. How stringent a law does New York have for licensing of day care centers?

Mr. BIAGGI. I don't think we have them.

Mr. ANTHONY. You don't have a law?

Mr. BIAGGI. No, we do—both at the city and State level.

Mr. ANTHONY. Then you don't have a stringent law. If I were a parent in New York——

Mr. BIAGGI. I am advised that our State does have a law, effective October 1, requiring background checks. We didn't have it before. Going into the history, this is not a new issue, by the way, not a new issue. Initially when it was raised, there were objections in the local areas.

Many people found here is a way to make a living, start something, get involved with something, and they engaged local people without any checks. They thought that it might be an inhibiting factor if you had background checks, but notwithstanding, interestingly enough, notwithstanding the fact that the law becomes effective October 1, day care people are still hiring individuals without checks, even at this moment.

Mr. ANTHONY. You engaged in a colloquy—I guess you and Mr. Miller engaged in a colloquy—talking about how progressive California and New York are. A little old nonprogressive State like Arkansas has a licensing requirement, but I can tell you that it was a bloody battle, because all across the political spectrum, people came hollering and screaming, saying they did not want to be licensed.

I can well imagine what might happen if "Big Brother" sought to step in and say that we were going to force licensing. And I am just curious, how do you think we can get over that hurdle? How can we educate the States? How can we educate the public? How can we make those people who don't want to be licensed realize the necessity of some licensing procedure?

Mr. BIAGGI. Well, I don't think we will have a problem in New York anymore. There has been some immediate action in the State legislature. I am sure Mayor Koch is underway with some legislation in the city of New York, I know he is. He is responding. He is responding to a scandal. I would hope that other legislators and people in other States would recognize that it is possible, even within their own State. Perhaps it hasn't been receiving any attention.

You and I know that it is occurring, sure as night follows day, it is happening. It is human. It is human failing, and there may be some people who object to any type of restraining factor. It may be a way of life for them. In some areas it might be politically disadvantageous, but in the end we have to consider that we are talking about the lives of young folks, who can be adversely affected, and become a problem to society. We are just going to have to stand up.

It is the kind of a fight—I will stand on any platform and argue it even though the numbers may be against me, because in the end, in their mind and heart, those who oppose it know you are right, and it is necessary.

Mr. ANTHONY. In our State when the legislature sought to pass a State licensing law, the Christian schools came forward and really argued in opposition to having them included. Would you include Christian schools in Federal legislation?

Mr. BIAGGI. Well, that is an area—I know that is an area, and it is not just your State, it is in many places in the country. I don't know why they would really object, but if there would be an exemption, I think the religious area could be one of the exemptions.

At least you would be giving consideration, but really I think it should be universal. That would be the optimum. Failing that, in this process of legislating we know we have to give and take, if excepting the religious schools was necessary to get the legislation passed, I wouldn't be terribly upset about it.

Mr. ANTHONY. It obviously will be a topic of discussion if we move forward with Federal legislation. Inasmuch as we have already touched on some of it in our State, I thought I would at least bring it out for public discussion today, because I think it is a very important topic that will have to be addressed. But I would just like to close by thanking you for all of your hard work and your interest. You come from a background that gives you a keener insight into the problem than most people do. I opened my statement by saying that I came from the prosecutorial side.

Mr. BIAGGI. You got them as we delivered them.

Mr. ANTHONY. And I can tell you that people would be shocked if they knew what went on in their communities.

Mr. BIAGGI. That is true.

Mr. ANTHONY. It is going to take a great deal of openmindedness and joint cooperation to solve this problem.

Mr. BIAGGI. Your State is to be congratulated.

Chairman RANGEL. Thank you. Congressman Rowland.

Mr. ROWLAND. I have no questions, Mr. Chairman, just a comment, to say I congratulate you on what you have done and what you are doing in this area.

Mr. BIAGGI. Thank you very much, Mr. Rowland.

Chairman RANGEL. Congressman Duncan from the Oversight Subcommittee of the Ways and Means Committee.

Mr. DUNCAN. Thank you, Mr. Chairman. I would also join my colleagues in complimenting you upon the time and effort and the great interest you have shown in this subject. We are all indebted to you.

Based on your expertise as a career police officer of 23 years, we assume from your statement that most abusers are men?

Mr. BIAGGI. I would say so, but most, not exclusively.

Mr. DUNCAN. Women are also abusers?

Mr. BIAGGI. Clearly. One was arrested in the Bronx, but most are men.

Mr. DUNCAN. Is part of the problem perhaps due to the salaries that are paid to day care workers, the failure to attract quality day care employees?

Mr. BIAGGI. That is a factor. However, someone could have that failing even if they were well paid. If you have that failing as a human being, you will have it as a lowly paid employee as well as a high-salaried individual.

Mr. DUNCAN. Mr. Anthony raised the question about Christian day care centers. Do you find that abusers are in both the Christian centers or the not-for-profit centers as well as the for-profit centers?

Mr. BIAGGI. I can't respond to that because I don't have that information, but the scandals we have in New York are the not-for-profit centers, and they are not as many in the religious area.

Mr. DUNCAN. Thank you.

Mr. BIAGGI. But that doesn't mean that the potential doesn't exist there.

Mr. DUNCAN. I understand. Thank you.

Mr. BIAGGI. It might be less.

Mr. DUNCAN. Thank you. Thank you, Mr. Chairman.

Chairman RANGEL. Thank you, Mr. Duncan.

The Chair would like to thank you, Congressman Biaggi, for the great contribution you have made this morning, and the leadership that you provide in the House. We will be monitoring, following and supporting your legislation in the legislative community, so that we can move speedily at least to have a Federal presence out there. Thank you for your contribution.

Mr. BIAGGI. I want to thank you, Mr. Chairman, for your prompt response, and also for your genuine interest in this problem. As I said before, it is one approach. I don't say it is the alpha omega, but it is an approach. It is something that we as Members of the Congress have responsibility for We can say we are in fact responding to a nationwide problem, a worldwide problem.

At this point, Mr. Chairman, I would like to ask unanimous consent to be able to submit for the record a copy of the bill, and also a statement from the Senator from New York, Mr. D'Amato.

Chairman RANGEL. Without objection.

[The statement of Senator D'Amato and a copy of the bill follow:]

STATEMENT OF HON. ALFONSE D'AMATO, A U.S. SENATOR FROM THE STATE OF NEW YORK

I commend Representatives Miller and Rangel, the Chairpersons of the two Committees involved at this hearing, for making available this forum to discuss the issue of child abuse. This intolerable situation has grown to significant proportions throughout the country. This crisis, however, must be resolved. We must all work toward the healthy development of our youth.

Significant use of federal funds for child day care services started during World War II. Funds were made available to states to provide care for children of mothers working in wartime industries. This program, under the Lanham Act, terminated when the war ended. However, the number of working mothers has grown steadily since that time. The proportion of mothers of preschool aged children who worked or looked for work increased from 29% to 46% between 1970 and 1982. The number of children, under the age of 6, with mothers in the labor force grew from 5.6 million to 8.5 million between 1970 and 1982.

These children, as all children, should have access to needed educational, health, and safety services. When parents cannot stay home with their children, their children still must have every potential and chance to develop and to live without fear of abuse.

We need the involvement of the community and both public and private resources to assure the best quality and safest day care. A national plan could do this. Therefore, I am pleased that the "National Child Protection Act", of which I am a cosponsor, is gaining increasing support. This bill, S. 2973, has also been introduced in the House of Representatives, by Congressman Biaggi as H.R. 6207.

National participation in child care would help strengthen the development of our children. I am certain that this hearing will further promote national community involvement and collaboration on this important topic.

In 1983, states varied greatly in their licensing requirements for day care center directors. Eleven states dropped their requirements for college training. Seven states even dropped their requirements for high school training, and, during the same time period, 10 states dropped their work requirement for directors. Thus, states not only vary greatly in their requirements for day care centers, but many have started to loosen requirements.

We have also noticed increasing reports of sexual abuse of children. There have been charges of child abuse filed against staff at day care centers and schools in Illinois, Minnesota, Florida, Alabama, New York, and California. Seven teachers at the Virginia McMartin preschool in Manhattan Beach, California, were charged with sexually abusing 180 children over a ten year period. The children might have been in a prostitution ring or used in pornographic films and photography. Recently, at the Praca Day Care Center in the Bronx, New York, and other centers, there have been reports of sexual abuse of children. These incidents worry both parents and children. With growing numbers of children in need of day care services, there is a need for uniform standards governing such services. Each child deserves the best possible developmental environment. Each child must be guaranteed his or her safety. Each child deserves nothing less.

The National Child Protection Act promotes the development of a national advisory panel to develop guidelines to help our nation respond to day care needs. These leaders of child day care and representatives of the public will be an invaluable asset in directing and developing guidelines for the safety and healthy development of our children.

We must not allow our children to suffer harm. If we do not look out for our youth, how can we expect anyone else to do it? It is in the best interest of this country that we help our children develop to their fullest potential. There should be quality care services throughout the U.S., not just in a few centers, in a few states.

We all want to promote the social, emotional, physical and cognitive development of our children. But now is the time to show it before one more child is neglected or harmed.

This legislation will not solve all the problems children may encounter, but it will alleviate this serious situation of child abuse in day care centers that is developing throughout America. This legislation promotes standards and guidelines to assure the safety, health, and developmental potential of children receiving child care services. The National Child Protection Act promotes the social, emotional, physical, and cognitive growth of children.

In short, this legislation will require national guidelines to assure the safe, healthy development of our children entrusted in day care. A 12 member panel, along with the Secretary of the Department of Health and Human Services, will develop guidelines for screening day care providers, licensing employees, and for setting up a reporting system. A toll free (800) number would be available to report the sexual abuse of a child. The National Child Protection Act will help assure the safety of our children. It will help identify and prevent sexual abuse of our children, for they deserve nothing less.

I am pleased that the committee is holding this hearing. It is time for action: we can wait no longer. Child abuse is a matter that should concern all of America.

Thank you again for allowing me to present my views.

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98th CONGRESS
2d Session

H. R. 6207

To promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 10, 1984

Mr. Biaggi introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "National Child Protection Act".

AMENDMENT TO TITLE XX

SEC. 2. Title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"LICENSING AND INFORMATION WITH RESPECT TO PROVIDER OF CHILD DAY CARE SERVICES

SEC. 2008. (a) As a condition for receiving any funds under this title, a State must have in effect a program under which—

"(1) the State will require the licensing and monitoring of all providers of child day care services in accordance with the standards established by the Secretary pursuant to subsection (b);

"(2) the State will provide information to the Secretary with respect to all individuals providing child day care services or employed by providers of child day care services, and with respect to all individuals convicted of child abuse, child molesting, or similar crimes, in accordance with subsection (c); and

"(3) the State will have in effect a toll-free telephone hotline for the reporting of any allegations of child abuse, child molestation, or similar acts committed by any individual providing child day care services or by any employee of a provider of child day care services, in accordance with subsection (d).

"(b)(1) The Secretary shall by regulation establish standards and guidelines for State licensing and monitoring of providers of child day care services. Such standards and guidelines shall assure the safety, health, and developmental potential of children while receiving child day care services, and shall promote the social, emotional, physical, and cognitive growth of such children while receiving such services. The standards and guidelines shall include provisions for assuring that only adequately trained individuals provide such services.

"(2) The Secretary shall determine a uniform definition of 'child day care services', and of a 'provider of child day care services', which shall apply for purposes of this section, and which will assure that the maximum feasible number of children shall be protected under the provisions of this section.

"(c)(1) The Secretary shall establish a national file of the names, addresses, and social security numbers of all individuals convicted of crimes involving child abuse, child molestation, or such similar acts which the Secretary determines ought to be included in such file for the purpose of protecting children receiving child day care services.

"(2) Each State shall report to the Secretary the name, address, and social security number of any individual convicted in such State of child abuse, child molestation, or a similar act which the Secretary has determined under paragraph (1) ought to be included in the national file. For purposes of this paragraph the Secretary shall establish a uniform reporting system which shall apply to all the States.

"(3) Each State shall require that no individual or provider may be licensed to provide child day care services in such State if such individual, or any employee of such provider, has been convicted of a crime which has been reported (by any State) to the Secretary and is contained in the national file. Each State must, for purposes of ensuring compliance with this subsection, request the Secretary to check the names of each individual seeking a license to provide child day care services, and each employee of a provider seeking such a license, against the list of names contained in the national file, prior to granting such license.

"(d) Each State shall establish a toll-free telephone hotline for the reporting of any allegations of child abuse, child molestation, or any similar act designated by the Secretary for inclusion in the national file, committed by an individual providing child day care services, or by an employee of a provider of such services. The State must provide followup investigation of each such allegation in accordance with standards established by the Secretary under regulations.

"(e)(1) There is established an 'Advisory Panel on Child Protection', hereafter in this section referred to as the 'Panel'. The Panel shall consist of 13 members as follows:

"(A) four members appointed by the President, one of whom shall be designated as the chairman;

"(B) four members appointed by the Speaker of the House of Representatives;

"(C) four members appointed by the President pro tempore of the Senate (upon recommendation of the majority leader and the minority leader); and

"(D) the Secretary of Health and Human Services, ex officio.

"(2) It shall be the duty of the Panel to advise the Secretary with respect to the standards and guidelines issued under this section, and to propose any recommendations for changes in such standards and guidelines which may be appropriate.

"(3) Members of the Panel who are not employees of the United States shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be compensated at a per diem rate established by the Secretary for each day (including traveltime) during which they are engaged in the actual business of the Panel. Any member of the Panel engaging in the actual business of the Panel away from his home or place of business may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Secretary shall make available to the Panel such clerical and other assistance, and any pertinent data prepared by the Secretary, as the Panel may require to carry out its functions.".

EFFECTIVE DATE

SEC. 3. (a) The Secretary of Health and Human Services shall promulgate all regulations required under section 2008 of the Social Security Act within ninety days after the date of the enactment of this Act.

(b) The requirements of section 2008 of the Social Security Act shall apply to States beginning one hundred and eighty days after the date of the enactment of this Act.

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Chairman RANGEL. The Chair would also like to indicate that Congressman Ralph Regula was supposed to testify this morning, but is unable to join us. His testimony as the chief legislator on this matter, H.R. 5486, without objection, will be entered into the record.

[The material follows:]

STATEMENT OF HON. RALPH REGULA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. Chairman, I want to commend you for the hearing you are holding today.

For a long time I have been concerned with the problems of child abuse. Last October I decided to do something about my concerns. At that time I began to research the problem of sexual abuse of children. I became appalled at the extent to the problem and of the lack of support and protection our children have outside their homes.

Today, you are here to consider day care centers and the act of child abuse. Something most of us never consider a problem until this past year when we began reading about the crimes of sexual abuse against children in these centers. Now, almost any day of the week we can pick up nearly any paper in the nation and read about another incident of sexual abuse of children being uncovered. This abuse is something we can alleviate. But we must take the time to understand the issue and we must make the effort to listen to the children and their parents, as well as the experts in the field.

In the past most individuals have assumed that day care centers do not need to be Federally regulated. Most have felt assured with the adequacy of care and the safety given to our children in these centers. We did not beleive it was possible for a child to be sent home from day care with gonorrhea of the throat as has happened in Florida, or that mass abuse would occur as it did in the McMartin Pre-School in California which has been indicted on 115 counts of sexual abuse with another 397 incidents still being investigated. We have found out the hard way, through the children's suffering, that such things are possible.

In the late 1970s, we in Congress did look into increased licensure requirements and regulations. However, the regulations which were developed were not promulgated. It was considered to be a state problem. But today it has been finally realized that the protection of our children is not just the responsibility of the parents or the state; the Federal government also shares this responsibility.

Some individuals fear that this issue of sexual abuse against children has become a witch hunt. A witch hunt because Congress is looking into stricter regulations and background checks of the day care personnel. Was it a witch hunt when we passed legislation to ensure safety standards and qualified personnel in nursing homes and hospitals. No, it was not. Was it a witch hunt being conducted when banks and other financial institutions were allowed to conduct history checks on their prospective employees to ensure they have no criminal past before they were allowed to work with the money entrusted to them? No, it was not. And it is not a witch hunt being considered in Congress to ensure safety standards and qualified personnel in our day care centers. The adults, most of whom can protect themselves, have the protection of the government. The banks' money has the protection of the government. Why then is it so difficult to give the children of our nation, who are our greatest resource and in the greatest need of our protection, that same kind of protection?

It would obviously be much easier if the individuals who abuse children, the pedophiles, wore signs around their necks labeling them as a pedophile. But they do not. It would be much easier for everyone concerned if these individuals did not seek positions of responsibility with children. But they do.

Most of us have preferred to believe it is the stranger which molests the child. But it is not. We have seen over and over again this past year that most of the victimizers are known to the child. And trusted by both the child and parent. In fact, it is estimated that only 9% of the perpetrators are strangers. We can no longer afford to fantasize that these pedophiles are unknows, dirty old men who pick up children on street corners by offering candy.

A study conducted by Rivers Keith Carpenter, coordinator of a child abuse awareness program called Project Safe, states that half of all known abusers were under the age of 31; only 10% were past the age of 50. Although the abuser is most often male, women also can be sexual abusers of children as we have learned with the McMartain School in California.

I am not trying to say that everyone who shows a keen or excessive interest in children are pedophiles. Obviously they are not. However, it has been estimated by the National Association of Social Workers that in 1984 alone over 100,000 children will be abused. Yet we must remember that only approximately 8% of the incidents of sexual abuse are ever reported to the authorities. These 100,000 cases of estimated abuse could reach close to one million. Much of it occurring outside the home.

Also, I am not trying to say that most of the day care centers allow this abuse to exist. There are definitely good day care centers just as there are bad day care centers which actively abuse the children. We must be able to deal with the bad without destroying the good. We must be able to do this in such a manner to ensure that the cost of these centers do not become so over priced with the protection we are looking at as to place them outside the means of the parents. Parents who depend on these centers to care for the children while they work. This can be done and must be done soon.

The network of pedophiles is so extensive that even the FBI has problems in uncovering and stopping this activity. Although their networks are coming out into the open more and more, still we cannot touch them. On NBC network television the leader of the California Man Boy Love Association was seen quoting their motto "Sex Before Eight Or Its Too Late". The underground magazines of these organizations actually advise the members on how to not only obtaining pornographic material of children, but in actually accessing the children themselves. I would like to quote from one of these magazines for pedophiles called Hermes to highlight the danger our children are in.

"From your (the man's) point of view, there are many satisfying ways of making contact with boys, ways which are not only socially approved but encouraged. Big Brothers, Boy Scouts, church groups, the list of organizations goes on. . . . Whether or not you have a criminal record or other 'problems' in your past, there is very little chance that anyone will ever know of your interests or check into your background. And it is rare, no matter what you have heard, for people to 'suspect' the man who is unmarried of improper activities or thoughts, unless there is glaring evidence to the contrary.

"Many men think they are easily recognizable as a boy lover, and that their 'cover' will be blown the minute they walk in the door of the YMCA to volunteer. Rubbish. Boy lovers come in so many different types and shapes that no common characteristic can be seen on the surface. Even another boy lover many not recognize you until you tell him what your interests are."

What is most devastating about this quote Mr. Chairman, is that it is right. Even though we already have the resources and the statutory authority to check into these individuals' background to find out about the criminal records or other 'problems' in their past, it is not done. As I already mentioned, it is done for financial organizations to ensure the safety of the money but it is not done to ensure the safety of our children. The magazine is also correct in saying the pedophiles are not 'suspect' because the popular conception of an abuser—that of being a dirty old man—is not correct.

Because these individuals know they will not be suspected and their criminal records will not be checked, they take society up on its call for assistance. They obtain jobs or volunteer positions in organizations where the access is extremely easy. They choose jobs such as school bus drivers, teachers, camp counselors, babysitters, physicians, ministers, social workers or photographers and hobbies such as coaching little league teams.

Because it has become so easy for these individuals to access our children, on April 11, 1984, I introduced HR 5486, the "Children's Defense Act". This legislation will ensure that no individual who has been convicted of a sexual offense, consisting of rape, carnal knowledge, sexual assault, or any other sexual contact, perpetrated against a child, shall be hired as an employer, volunteer, or consultant in certain agencies or other organizations, by they public or private, which receives Federal financial assistance established for the primary purpose of engaging in any activity involving direct contact between the personnel of that agency or organization and at least 20 children outside their home environments during any seven day period.

To achieve this goal, these organizations, known as youth-oriented organizations, must request, through a state funneling agency provided for in my legislation, the FBI to conduct a criminal records search for all prospective employees and volunteers mentioned above. The state attorney general and the director of the state's funneling agency may allow any other youth-oriented organization which does not received Federal financial assistance to also access these records through the funneling agency. The Federal government will not be responsible for any of the cost of the searches for those organizations which do not receive Federal financial assistance.

Once the FBI receives the record check request from the state funneling agency, on behalf of the youth-oriented organization, the ID division will search fingerprint card submissions against its criminal file. The information found will then be furnished to the state funneling agency. The state funneling agency will then inform the youth-oriented organization whether or not the prospective employee or volunteer has a past conviction of sexual offenses.

The youth-oriented organizations will not have direct access to the FBI's records. Nor will they be given the complete record of the individual in question. It will be the responsibility of the state funneling agency to screen the information provided by the FBI. Only the information requested by the youth-oriented organization—whether or not the applicant has a prior conviction record of sexual offenses—will be given to the organization.

For the youth-oriented organizations to avoid necessary invocation of formal enforcement procedures, which will include termination of the Federal financial assistance granted to that organization, this Act includes provisions that the organization must first be notified and given a chance to comply voluntarily. Although the Act does not provide specific limits of a time period within which voluntary compliance may be sought, it is clear that requests for voluntary compliance, if not followed by responsive action on the part of the youth-oriented organization within a reasonable time, does not relieve either the Federal agency having authority to extend Federal financial assistance to that organization or that state's funneling agency of the responsibility to enforce this Act. Those agencies and/or organization consistent failure to do so will be termed derelication of duty and subject to review in court.

A policy of excluding from employment individuals who have suffered a number of arrests without any conviction is unlawful. Therefore, only those individual for whom a conviction has been found will be denied a position in the youth-oriented organization under this Act.

This Act expressly disclaims the intent to provide, by virtue of the cessation of Federal assistance (as provided for in sec. 2(b) and (c)(1) and (2) of this Act), a forum for the youth-oriented organizations to discriminate or refuse employment of any applicant on the basis of any conviction of crimes other than sexual offenses, or to discriminate or refuse employment of any applicant who had been alleged or arrested, but not convicted, of the crimes of any sexual offense.

We have the means and statutory authority. The FBI is already authorized to conduct licensing and employment records checks as a result of P.L. 92-54, 86 Stat, 1115 which was passed by Congress in 1972. This law enabled FBI to exchange identification records with officials of state and local governments.

Specifically for children, the FBI fingerprint checks of employees of Federal and State facilities for the detention, correction, care or treatment of juveniles are authorized by Title 28, U.S. Code, Sec. 534. Additionally, Executive Order 10450 requires a finger print check of the ID Division's Criminal file on all Federal job applicants. FBI fingerprint checks of employees of state/local governmental and business organizations which have regular contact with children are also authorized (although not always done) under P.L. 92-544, if the states requiring such checks and the Attorney General of the U.S. approves them.

In using the data base already established in the FBI and mandating that the statutory authority already established to use that data base be promulgated will accomplish a number of feats. First, it will not take a decade to establish such a center for data on this crime. Second, it will not take a decade to gather, sort or transfer data into a new system. And third, the financial cost will be minimal because most police departments are already sending fingerprints to the FBI.

Concern has been raised for pedophiles who have been "cured." I have been asked, won't we be discriminating against those individuals who have stopped raping and molesting once they were convicted. My question is what do we consider cured?

Dr. Gene Able, Director of the Sexual Behavior Clinic at the New York State Psychiatric Institute found that the pedophiles he studied were "responsible for molesting an average of 68.3 victims." The pedophiles have admitted themselves, on network television, that they will not stop. So what is cured? And can we take that chance with our children?

The sexual abuse of children is most definitely a serious problem which we must all take responsibility in stopping. We give protection to indivduals in nursing homes and hospitals. We take better care and precautions with our money than we do with our children. It is time this is changed.

Thank you.

98TH CONGRESS
2D SESSION

H. R. 5486

To require certain youth-oriented organizations to make adequate inquiry to ensure that no individual, who has a prior conviction for a sexual offense of which the victim was a child, shall be hired by the organization, and to establish a system for responding to such inquiries.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1984

Mr. REGULA introduced the following bill; which was referred jointly to the Committees on Education and Labor and the Judiciary

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A BILL

To require certain youth-oriented organizations to make adequate inquiry to ensure that no individual, who has a prior conviction for a sexual offense of which the victim was a child, shall be hired by the organization, and to establish a system for responding to such inquiries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children's Defense Act of 1984".

LIMITATION ON FEDERAL ASSISTANCE

SEC. 2. (a) To avoid the sanction provided in subsection (b), a youth-oriented organization shall not utilize the services of any individual (whether directly or through contract or other agreement) in any function which includes direct contact with children until after such organization has inquired through the appropriate State funneling agency which is operating under a plan approved in section 3 and received a response indicating no prior conviction of that individual for a sexual offense of which a victim was a child.

(b) A Federal agency shall not, after January 1, 1986, and effective as provided in subsection (c), extend any Federal financial assistance to any youth-oriented organization as to which any Federal agency has made a finding on the record, after opportunity for a hearing, of a willful failure to comply with the requirements of this Act, until such organization presents proof satisfactory to such agency that during a one-year continuous period after such failure to comply there has been no additional willful failure to comply with such requirements.

(c) The termination of assistance under subsection (b) shall take effect—

(1) after the Federal agency has determined that the recipient has been notified of the finding and that compliance cannot be secured by voluntary means; and

(2) 30 days after the Federal agency reports the circumstances of and grounds for such termination's taking effect to the committees of the Senate and

House of Representatives having jurisdiction over the assistance program involved.

(d) Each Federal agency having authority to extend Federal financial assistance to any youth-oriented organization shall make rules to carry out this Act consistent with the objectives of the law providing for such assistance.

STATE PLAN AND CONTENTS THEREOF

SEC. 3. (a) The chief legal officer of each State may establish, under the administrative control of such official, a State funneling agency to permit youth-oriented organizations in such State to comply with this Act and submit to the Department of Justice a plan which, upon approval by the Attorney General, shall govern the operations in that State in relation to compliance with this Act.

(b) The plan shall—

(1) provide for a State funneling agency having the structure and functions required by this Act;

(2) demonstrate how the security requirements of this Act will be satisfied in that State; and

(3) contain adequate assurances that there are in effect with the force of law, the rules and penalties required to be in effect by this Act.

(c) The Attorney General shall approve or disapprove a plan submitted under this section not later than 90 days after the date of such plan's submission.

STATE FUNNELING AGENCIES

SEC. 4. (a) The head of a State funneling agency is an authorized official of a State for the purposes of receiving records and information exchanged under section 534 of title 28 of the United States Code and no disclosure under this Act shall be considered dissemination outside the receiving department or related agency for the purposes of such section.

(b) The Director of the Federal Bureau of Investigation shall take such action as is necessary to assure that a request for records and information by a State funneling agency under this Act is answered not later than 18 days after the date on which such request is received.

(c)(1) The State funneling agency shall oversee the security of records and information disclosed by such agency.

(2) Records and information disclosed by such agency shall be used solely for the purpose for which they are disclosed and kept secure and confidential by recipients.

(3) The State funneling agency shall take appropriate measures to assure that records and information such agency discloses are accurate and up to date.

(d)(1) The State funneling agency shall cooperate with audits by Federal agencies having authority to extend Federal assistance to determine compliance with this Act by youth-oriented organizations and such State funneling agency. The State funneling agency shall keep a transaction log.

(2) The State funneling agency shall conduct annual audits of a representative sample of youth-oriented organizations receiving records and information in response to inquiries required by this Act to verify adherence to applicable rules and law. Each such organization shall be required to keep a transaction log.

(e) The State funneling agency shall have on such agency's staff compliance officers whose duty it will be to seek compliance by youth-oriented organizations with this Act by conference, conciliation, mediation, or persuasion.

(f) The State funneling agency shall be given the authority to make rules to carry out such agency's responsibilities under this Act.

SECURITY

SEC. 5. (a) Records and information as to criminal convictions held or maintained by authority of a State in connection with operations under this Act shall be subject to the following requirements:

(1) Computerized systems shall use effective and technologically advanced software and hardware to prevent unauthorized access or use of such records and information.

(2) Access to such records and information shall be restricted to authorized personnel.

(3) Computerized systems shall be operated so as to assure that—

(A) such records and information are stored in such a manner as not to be subject to modification or destruction;

(B) destruction of records is possible from only a limited number of terminals and by only a few specified personnel;

(C) programs are used to detect unauthorized attempts to penetrate security and store information about such attempts;

(D) knowledge of security measures and details of those measures is restricted to a few specified personnel and carefully and adequately safeguarded; and

(F) security is also adequate against fire, flood, and other natural disasters or conditions.

(4) Systems that are not computerized shall be operated so as to provide physical and access security which is not less than that required of computerized systems.

(b) The State shall have in effect criminal and civil penalties and remedies for any security violation or unauthorized disclosure of records or information in violation of this Act.

(c) The State funneling agency shall have in effect appropriate personnel disciplinary sanctions for security violations. The personnel of such agency shall be made aware of security requirements and the disciplinary sanctions and criminal and civil penalties and remedies for their violation.

COST OF INQUIRIES

SEC. 6. The cost of responding to a request by a State funneling agency for records and information kept under section 534 of title 28 of the United States Code shall be borne in equal amounts by the Department of Justice, the State of origin of the inquiry, and the youth-oriented organization whose inquiry to the State funneling agency instigated the request. Such organization may pass on that cost to the individual whose record is sought, unless the position to be filled by such individual is a volunteer position.

PROMPT REPORTING OF CERTAIN CONVICTIONS REQUIRED

SEC. 7. (a) Each entity within the State government having information as to the disposition of any criminal case (or the disposition of any other proceedings changing the effective disposition of such a case) in which the accused may be found guilty of any offense relevant to the requirements of this Act shall report the disposition of such case or proceedings to the Department of Justice not later than 60 days after such disposition occurs, together with sufficient additional information requisite to identify the individual accused and the location of the full record of such case or proceedings.

(b) Official records in the State of convictions of offenses required to be reported under this section shall not be purged or sealed.

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "youth-oriented organization" means any agency or other organization, public or private, which is established for the primary purpose of engaging in any activity involving direct contact between the personnel of such organization and at least 20 children outside such children's home environment during any seven-day period;

(2) the term "child" means an individual who has not attained the age of 19 years;

(3) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States;

(4) the term "transaction log" means a record of when and to whom any records or information obtained by a State funneling agency under section 534 of title

28 of the United States Code are received or given; and

(5) the term "sexual offense" means a criminal offense consisting of rape, carnal knowledge, sexual assault, or any other sexual contact.

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Chairman **Rangel**. Thank you, Congressman.

Mr. **Biaggi**. Thank you again, Mr. Chairman, Mr. Miller.

Chairman **Rangel**. We now have a panel, Kee MacFarlane, director of the Children's Sexual Abuse Diagnostic Center of the Children's Institute International, from Los Angeles; Dr. Bettye Caldwell, College of Education, University of Arkansas, Little Rock, AR, which Congressman Beryl Anthony had introduced and lauded for the great work they are doing in that part of the country; Anne Cohn, National Committee for the Prevention of Child Abuse, Chicago, IL.

The Chair welcomes your testimony.

We will start off with Ms. MacFarlane.

STATEMENT OF KEE MacFARLANE, DIRECTOR, CHILD SEXUAL ABUSE DIAGNOSTIC CENTER, CHILDREN'S INSTITUTE INTERNATIONAL, LOS ANGELES, CA

Ms. **MacFarlane**. Thank you, Congressman. I am pleased to be here today. My background is not in child care or preschool issues, but I have spent about 13½ years studying and working in the field of child sexual abuse, 5½ of those years here in Washington at the National Center on Child Abuse and Neglect. It is an odd sensation to be back in this capacity.

I feel like I spent my whole 5½ years while I was in Washington screaming about this issue and trying to get Congress and the administration to listen, and people kept advising me to be more low key, and it is just incredible to have to go 3,000 miles away and be asked to come back and hear Members of Congress saying all those same things that we used to talk about, trying to get people to listen to.

Despite the circumstances, upsetting circumstances that have generated some of these hearings, it is very gratifying to realize that at least the issue is now in the forefront.

When I was in the Federal Government, I heard very little about sexual abuse of preschoolers at all. We kind of thought it was mostly a problem of teenagers, several years ago, and I heard virtually nothing about sexual abuse in pre-schools. For the last 2½ years, I have been running a diagnostic center for alleged sexual abuse in children, and it has ended up almost by default specializing in diagnosis of alleged preschool-aged children, and I have been spending most of the last year and a half or 2 years talking to preschoolers about this subject. I probably talk more to preschoolers about this subject than I do to adults.

As a result of some of the cases that my center has been in, we are now finding ourselves in this focal place not only in our local area in California, but people are calling me all the time from other States, saying, "Help me, I think we have something going on in a preschool here," and so I have ended up in a position were I think I am hearing and getting a perspective far broader than simply Los Angeles, CA.

In the past 10 months, my little center has done medical examinations and psychosocial evaluations of over 400 preschoolers in six schools and I have consulted on cases involving alleged child sexual abuse in preschools in seven other instances in other States.

In the cases with which I am personally involved at my agency, I think it is important for people to realize that the majority of those children have convincingly and consistently alleged a very wide range of sexual activity and contact with adults, No. 1.

No. 2, the majority of those preschoolers have positive medical findings of rape and sodomy.

No. 3, the majority of those 400 children have alleged that there are multiple victims and multiple perpetrators in those situations, which include nonstaff members of the school, and people the children call strangers, other adults to whom they were handed over by someone.

In the past year we have undergone what I would describe as an avalanche of unanticipated proportions. We have been caught totally unprepared, and we are left staggered by it. I don't think anyone can claim to be an expert on the subject of sexual abuse in preschools. I come to you simply as somebody who has been in the eye of that storm.

I don't think anyone knows the incidence of this problem in young children, despite the millions of dollars the Federal Government has spent on incidence studies, primarily because sexual abuse is not like physical abuse. There aren't bruises, broken bones. It is hidden. You don't find out about it usually, unless children tell you about it, or unless in some way you figure it out enough to ask them or to see some of the scars that we have seen on these children. It is most characterized by secrecy, that is what makes it so hard to count, not that we have tried I think too hard to do that.

Children are tricked, threatened and cajoled, and threatend with harm of the most unimaginable type. Many of the children that I talk to truly believe they will die if they tell me about what happened to them. There are also lots of other ways to scare preschoolers. They are really perfect victims. You can threaten them with punishment. You can tell them that they will go to jail, that no one will believe them, and you can tell them that no one will love them, if anybody ever finds out this happened to them. That is probably one of the most convincing things, and if you can't threaten them into silence, usually their own guilt and shame and feelings of ambivalence about their abusers will do the rest to silence them.

There is no population that I know of on this earth more vulnerable to this problem than preschool children. They are trusting, naive about sex, compliant to the authority of adults, and they come at a developmentally perfect time of magical thinking, when you can convince them of almost anything, if you are an adult in an authority position.

The final thing that makes them perfect victims is they live in a society that has no system equipped to deal with a crime against victims this young, not investigatory, not treatment, and not legal systems.

How many cases are there involving preschoolers? We don't know that. One problem is that the statistics that we have been counting since 1976 come primarily from child protection agencies, and child protection agencies are primarily mandated to count child abuse in interfamily situations by caretakers and legal guardians.

The second problem, even with that count, is that those are counts of substantiated cases. That means somebody went out far enough to determine whether or not a report had validity to it. Child sexual abuse, as people in this field know, is the hardest kind of abuse to validate, so many, many cases which don't get counted as substantiated may have been reported, but were impossible to prove.

Finally, the agencies which do see reports of this kind of crime to preschoolers that may occur outside the home, which are the police and law enforcement, police and law enforcement and Federal crime statistics generally do not differentiate among ages of victims of sexual assault, so a raped 35-year-old, a victim of rape on the street goes into the same category as a child assaulted in a preschool oftentimes, when it comes to statistics. So who knows?

We do know more than we did a decade ago. We know that this is not primarily a stranger danger phenomenon. This is somebody the children know and trust. We don't know what the proportions of sexual abuse are as they compare between inside the family and outside the family of people in trusted positions of authority. In my experience they may be equal. They may be more of persons in authority positions.

We know the child sexual abuse substantiated reports have been doubling annually since 1976. In Los Angeles they have gone up 300 percent in the past few years. We know there is no racial, economic or geographic boundaries. We know that boys are as vulnerable as girls, and perhaps more vulnerable to the fact that they don't report it. And we have learned in my tenure in this field that the ages go down steadily every year. We used to say that the average age of victims was 13 or 14. Most people in the field now believe that the onset of abuse occurs at least before the age of 10, and possibly much younger than that.

There are two other points of knowledge I would say I have from the past year. One is that we also know the vast majority of child sexual abuse doesn't go on in preschools, that preschools are generally healthy appropriate places for children.

My first job in life, after college, was as a child care worker. I remember in 1970 they made me get fingerprinted in Tucson, AZ, to work as a child care worker, and I was outraged. I had just come out of the sixties, you know, marching, protesting, the Vietnam War era, and getting your fingerprints taken was tantamount to giving the Government the goods on you. But when I think back on it, I think it was fairly progressive for its time.

My agency that I work in not only investigates allegations of child sexual abuse, we run a preschool, a preschool therapeutic nursery for abused and neglected children. I have seen those children, I have seen the care they get, and I know they are far, far better off than the homes they came from, so it is important to be careful not to tar the dedicated professionals in this field with the same brush that has painted the picture of the ugly underside of what can happen to children.

Having said that, I think it is really important to describe at least minimally what can happen to children in preschools. What I am going to describe are allegations. Most of them have not gone through the court system yet, allegations alleged to have occurred in seemingly respectable State-regulated preschools run by respected staff entrusted with the confidence of caring and involved parents.

What I am describing represents a composite of the cases that I mentioned, but it comes from the detailed descriptions of literally hundreds of children between the ages of 2½ to 16. It is not representative, certainly, of most allegations, but it is representative of what over 30 professionals I know personally are listening to on a daily basis. It includes the following: Children between the ages of 2 and 5 forced to have every imaginable and some unimaginable kinds of sexual contact with adults, and children of both sexes. Children tricked into sexual activity in the guise of games with rewards of treats and candy, and under the apparent influence of drugs administered to them by their teachers, in the guise of fruit punch and candy.

Children who are pornographically photographed with such frequency that they viewed that as a part of their daily preschool routines and describe it as one of the daily activities.

Children taken to locations outside of the school too numerous to number, and handed over to strangers for sexual and pornographic purposes in rooms where they describe so many people that all of the noise of their talking gave them a headache.

Children exposed to bizarre rituals involving violence to animals, scatological behavior and what they perceived as magic, and children threatened into silence with the use of weapons, threats of harm and death to family members, and observing the slaughter of animals.

If these things seem unimaginable to you, you are not alone. They have been unimaginable to us as well.

Is it a frequent anomaly that it is not worth Federal attention or policy? Possibly, but I think you need to realize that these kinds of descriptions represent more than a dozen cases that have fallen in front of my attention in the last year, partially because I simply have been identified as somebody involved in these kinds of cases.

It is the numbers of children and the consistencies of their disclosures that are compelling or should be compelling. These allegations have given me, and I think many, a glimpse of a form of child sexual abuse that is totally foreign to those of us who have spent our entire professional careers in this field.

The common threads are that there are multiple victims, that the abuse occurs over a long period of time and that it takes place in institutional settings.

Most cases probably involve the presence of one individual in a preschool, who takes advantage of his or her position for their own sexual gratification. It is difficult enough to uncover those kinds of cases, but it is even more difficult to convey the magnitude of the task when there are multiple perpetrators suspected, and in every single case that I am familiar with where there are multiple alleged perpetrators, it has all started with the focus on one individual.

The first 15 or 20 children that I interviewed in the first case I got involved in, I didn't even ask them about other perpetrators. I asked them about the one male person that the police had told me about and they went on to tell me about the others. Children don't tell you unless they think you know oftentimes.

What we are dealing with, and I have no idea how widespread it is, I have no idea of how much Federal attention it merits, but I think you need to know that I believe we are dealing with no less than conspiracies in these cases, organized operations of child predators, whose operation is designed to prevent detection, and is well insulated against legal intervention.

Preschools in this country in some instances I think we must realize have become a ruse for larger unthinkable networks of crimes against children.

If pornography and prostitution are involved, which is sometimes the case, those networks may have greater financial, legal, and community resources than any of the agencies trying to uncover them.

The proposition of these things is formidable, but many of the cases I am aware of under investigation, and most of the alleged abuse that I described could only have existed under such conspiratorial circumstances.

I think my main contribution to these hearings, given how many experts there are on issues like licensing and management of day care is to talk a little bit about the response system.

The initial demands are overwhelming. There are demands for interviews, medical evaluations are potentially huge in numbers. In the *Manhattan Beach* case, I was initially asked to interview five children by the district attorney's office at a time when I was trying not to interview children, but to write grant proposals to keep my center funded, so I reluctantly agreed to see five children. That was about 360 children ago.

In 3 months we had a waiting list of 300 hysterical families.

Whether or not children describe this kind of abuse as pervasive, as when you say, was anybody else with you and they say yes, all my friends, whether or not they do that if we have a reason to suspect one child molested by a staff member or someone a staff member made available to a child, then we have an obligation and a demand to interview and look into all the rest of those children because they are at risk.

And, if we have reason to believe that the situation goes back in time, as in the case of a school where I am interviewing children and I have recently talked to a 25-year-old who describes being abused in that school when she was 3, then the interview and service factor multiplies by hundreds within weeks.

No agency, public or private, is adequately prepared to deal with this avalanche.

I run a center that does a lot of different things, but I have spent 95 percent of my time and my staff's time on one case since last November. Because of our initial pledge not to financially charge individual parents who came for our services, the involvement, our involvement in these cases in the last 10 months has cost us $150,000 of unreimbursable funds.

Our need to protect our video tapes, the incredibly confidential nature of them, things in our files, and our own liability, has already cost us $50,000 in legal fees to my center, and we expect it to double next year.

Even public agencies with financial resources far better than ours are not prepared for what you come up against in these cases.

In the first week following the publicity of the *Manhattan Beach* case, we were getting an average of 300 phone calls a day. We have engaged three law firms to protect us, a public relations agency to keep the press away from us, and away from our agency; we have had to hire security guards to protect our tapes, our files, and our staff because of threats.

We have had an army of volunteers and three additional secretaries, and we are no match for even the paperwork overload.

We don't have enough files for the mountain of paper that we have. I have 32 anatomically correct dolls and they are not enough to keep up with our demand for interviewing children.

I have a special calendar just to keep track of the subpoenas for my appearance in court, which are competing with each other at this point.

Multiple victim cases in child care settings represent nothing less than community disasters in my opinion, and we have no prepared necessary programs. We have in most communities plans for dealing with fires, floods. California has earthquake descriptions in all their phone books; the Federal Government is even developing plans for emergency response to nuclear war in this country, and we have nothing comparable to that when it comes to this kind of a situation in a community, and we have no previous experience to help us deal with this scale of attack on children.

People who once have been in the front line in the way that we kind of have been in the last year don't want to do it again and we don't know how we ever could.

The *Manhattan Beach* case is expected to be 2 to 3 or more years in litigation. I am currently turning down virtually every referral that comes to my center that mentions that a possible perpetrator in a case could be a staffer in a preschool. I have nowhere else to send these people.

The referrals come from parents, the police, and the schools themselves. I can't send them elsewhere, but I tell them I cannot afford to interview even one child because one child may tell me that it has happened to the rest of the children and I can once again be facing medical and social evaluation and legal investigatory needs of hundreds of children.

We need a community disaster model to combat this kind of thing. We need it not only because of the children at risk. I think we need it to protect the rights of preschools and providers from hysteria and false allegations. If you have a system that is trained and specialized to deal with this, you may be, as we have been, able to get in there early, do competent and thorough evaluations before formal arrests are made, before the media ruin the careers and the reputations of people in schools.

I don't think there are any quick fix solutions to this problem. My overall recommendation, as I have said, is a coordinated community response system. That involves the training, education, and cooperation of virtually every community, every agency in communities that deal with these cases.

What I am concerned about, individual little solutions, is that they will lull people into thinking we have solved this problem. I have seen it happen so many times over the years where there is a quick rush to do something and something is done and everyone can then turn their heads back away from this problem, which no one ever wanted to look at in the first place.

In terms of some of the things recommended, I think fingerprinting is great. I think it should be done. I think it should be a very basic thing, but I will tell you, most of the individuals, all of the individuals in the schools I have been involved with have no prior records, formal prior records, but I have been involved in numbers of cases where there have been lots of prior arrests.

I was involved with a 6-year-old girl whose alleged abuser had five prior arrests for child molesting. When you realize that this crime rarely gets to conviction, and we are talking about only doing record checks on convictions, we are talking about somebody who is going to be overlooked most of the time.

The other thing I would say to you with some of my experience with pedophiles is once they are convicted of child molesting, they generally don't go to organized places like preschools where they think they are going to get checked.

They go to volunteer agencies and volunteer their time, the Scouts, churches, places where everybody is so grateful in having a seemingly caring and involved adult they don't do the kind of checks that even schools do.

I think that licensing and monitoring and spot checks and all of that is important, but I think that it is useless, not useless, but it is minimally adequate if they don't have the staff to even go out and monitor the things that the licensing agencies required.

I have been involved in two or three preschool cases in the past few months where, if the allegations are true, you could have walked into those schools and found them empty or half-empty of children and last Friday afternoon I sat with the mother of a child from one of those schools who told me she went to that school where she wasn't supposed to go unannounced and they had all of these rules, but one day she had to go early to pick up her daughter for a medical appointment and there wasn't a child in that school and there was only one teacher left, but the teacher was so convincing as to where everybody had gone she went back home and I have talked to numbers of parents like that who have gone to these preschools and their kids weren't there and they signed no authorization for field trips, so some of the violations are so flagrant and gross they can possibly at least be addressed through monitoring.

Mostly though I think that such licensing things need specialized divisions. I don't think you can just take somebody whose job is in a licensing agency and send them out to a preschool and expect them to have the slightest idea of how to recognize the possible existence of child sexual abuse.

It is a hard, hard job for me and I have done it all my life.

I think we need units within these agencies whose purpose is to look at institutional child care sexual abuse or physical sexual abuse allegations. They need to be specialized.

Additionally, I think we need parent advisory councils and parents who get a lot more information, something that the State says I don't care if your school's rule is that you are not allowed to be there from 12 to 3, you are allowed to be there and we, the State or whatever, give you that access.

I think we need to be responsible to allegations and the potential temporary closure of schools. I would never have thought of this until the last year when I was involved in a case where a single perpetrator was arrested in September, released on bail. The State licensing agency put him on probation and told the rest of the school personnel who were his family mostly, that they could stay open as long as they didn't allow him on the premises, and they left it up to the voluntary compliance. The school remained open until January despite the fact that there was a massive criminal investigation going on.

I am sad to tell you that in my agency, where we have very sophisticated medical evaluations, we have found at least a dozen of the 3-year olds who started in that school in September with rape scars, between the time the investigation started and the time the school voluntarily closed because the State said, "Please be careful and don't let this one individual on the premises."

I don't think we can be too careful even if sometimes it is at the expense of taking extra precautions when they may not be needed.

I think we have to be less quick to jump into some of these cases. Incredible amounts of evidence are destroyed before search warrants ever get written because the information of the investigation is already out and with cases involving children under 5 you have to have harder evidence than the word of a child.

One photograph of a child posed in a pornographic picture, one photograph in some ways is more important than the testimony or potential testimony of hundreds of children, most of whom will never be qualified in a court of law because they are too young.

My last thought has to do with my involvement in talking with children themselves.

I am a strong supporter of prevention programs for children in schools and I have testified in California for bills which would mandate such programs, but I want to be quick to warn people against ideas of panacea, that if we teach children to say no, and run away, that we will be doing some major thing to prevent child sexual abuse, at least that type in preschool settings.

I have 300 or 400 small friends under the age of 5 who said no, who screamed no, who begged no, who fought back, who tried to get away. There was no way that that kind of a message would have helped them. The message that would have helped them I think would have been that sometimes adults lie, and sometimes they trick you, and sometimes if they tell you these kinds of things you need to know that they are not true.

Parents are scared to tell children what other adults may threaten them with. That probably is the single most strong reason that these children did not talk. Some of them literally for 15 or 20 years.

I think that we cannot foist onto children and parents our total expectations that they can stop this problem by becoming educated. It is really important to educate them, but if we can't also educate professionals, and if we in turn are in no way prepared for the response that we are going to have to give to the uncovering of these cases, then we set up a paper premise of help for them.

I think that most of it falls on agencies and bodies which can help to better regulate and monitor and watch these kinds of systems, and we need to enlist the help of parents and teachers to do that, to help these the most vulnerable, the most voiceless members of our society.

Thank you.

Chairman RANGEL. Thank you.

[The prepared statement follows:]

STATEMENT OF KEE MACFARLANE, DIRECTOR, CHILD SEXUAL ABUSE DIAGNOSTIC CENTER, CHILDREN'S INSTITUTE INTERNATIONAL, LOS ANGELES, CA

Thank you for asking me to participate in today's hearing. My background is not in the area of child care but in the field of child abuse. I have spent the last thirteen years specializing in the prevention, diagnosis and treatment of child sexual abuse, including five and a half years here in Washington at the National Center on Child Abuse and Neglect. During my tenure in the federal government, I heard very little about sexual abuse of preschoolers and virtually nothing about sexual abuse *in* preschools. In the past two and a half years, since I returned to clinical practice in California, and developed a child sexual abuse Diagnostic Center, I have worked almost exclusively with preschool-aged children. And, because of the notoriety of the Manhattan Beach case, my Center has become one of the focal places in our area and around the country for referrals and requests for assistance with cases involving alleged sexual abuse in preschools.

In the past ten months, my staff and I have provided medical and psychological evaluations of over four hundred children alleged to have been sexually abused by the personnel in the preschools they attended. These cases involved six different schools. In the cases evaluated at my Center, the majority of children have convincingly and consistently alleged that they were subjected to a wide range of sexually abusive behavior, the majority have positive medical findings of vaginal penetration and sodomy, and the majority allege that the abuse involved multiple victims and multiple perpetrators, including adults they were given to by their preschool's personnel.

The past year has been an avalanche of totally unanticipated proportions which caught us unprepared and has left us staggering. And still it continues. No one can claim to be an expert in something as new to our collective awareness as this phenomenon. I come to you simply as someone who has been in the eye of the storm. My remarks and suggestions reflect as much of what we have learned from our mistakes as from what we think we have achieved. Most of all, they address how totally unprepared we, and the rest of the country are, to diagnose, intervene and prevent child sexual abuse of this nature.

BACKGROUND OF THE PROBLEM

No one knows the true incidence of child sexual abuse—despite the millions of federal dollars spent on child abuse incidence studies—because sexual abuse is such a hidden problem. It rarely ever comes to our attention unless a child is willing to tell us about it. And the thing which works most to prevent that is the thing which most characterizes sexual abuse—secrecy. Children are ordered, cajoled, tricked and threatened not to tell about it on pain of physical harm, death, loss of love, blame and punishment for their involvement. If direct threats aren't enough to silence them, their own guilt, shame and frequently ambivalent feelings about their abusers will usually succeed.

No population that I know of is more vulnerable to this form of exploitation than children under the age of five or six. They are trusting, naive about sex, easily terrified, compliant to authority figures and, because of their developmental tendency toward magical thinking, easy to trick or bribe. They make perfect victims—partially because they are so vulnerable, partially because we are so predisposed not to believe that this could happen to them, and partially because our entire legal and social service systems are unequipped to deal with sexual abuse cases involving very young children. How many such cases are there annually in this country? No one really knows. There are some obvious reasons for that: (1) national child abuse reporting statistics come from state child protection agencies and their mandate is primarily to report abuse by parents and legal guardians, not friends, strangers or out-of-home caretakers, (2) such statistics only reflect reports which have been substantiated as factual by investigatory agencies; sexual abuse is known to be the most difficult form of abuse to "substantiate" because of the frequent lack of corroborative physical evidence and the lack of credibility attributed to young children, and (3) police and federal crime statistics which do reflect crimes committed by persons outside the home generally do not differentiate between the ages of victims of sexual assault.

Despite these shortcomings of data collection which have contributed to our self-induced ignorance about the nature and extent of sexual abuse of preschoolers, we do know a lot more than we did a decade ago when we were largely unwilling to acknowledge its existence. We know that most children are molested by people they know and trust—not by strangers. We know that much of it goes on within the child's own family—although an equal amount may be perpetrated by other persons in positions of trust or authority in relation to children. We know that the reported incidence of child sexual abuse has been doubling annually on a national level since data collection began in 1976 and, in cities like Los Angeles, it has increased more than 300% in the past five years. We know that the problem has no racial, geographic or economic boundaries and that boys are as vulnerable as girls. What we used to view as the average age of child victims—between 12 and 14 years old—we now recognize as a factor or reporting, not onset of abuse. Most communities have seen a steady lowering in the ages of reported victims (probably as a function of increased public and professional awareness of symptoms of the problem) and most professionals in the field now believe that the majority of child sexual abuse begins before the age of ten.

There are two final points of our growing awareness that have evolved from the events of the past year. One is that, despite the justified alarm brought about by the numerous allegations of abuse in preschools nationwide, the vast majority of child sexual abuse does not eminate from preschools. Most of them remain healthy, responsible and developmentally appropriate places to socialize and educate young children. Given the economic and interpersonal stresses on many families today, many children are far better off and have far better opportunities in preschool than they would have in their own homes. Therefore, we must be very careful not to tar these child-centered environments and the dedicated professionals who work in them with the same brush that has begun to paint for us the ugly picture of those who use such settings to betray the trust of children. Having said that, I want to take a moment to share with you the nature of what has been alleged to have occurred in seemingly respectable, state-regulated preschools run by well-respected staff and entrusted with the confidence of caring, involved parents. What I describe represents a composite of the cases I mentioned but it comes from the detailed description of literally hundreds of children between the ages of 2½ to sixteen.

NATURE OF CHILD SEXUAL ABUSE IN PRESCHOOLS

The following is clearly not representative of most allegations of abuse involving preschools. Nonetheless, it is representative of what I and over 30 other professionals involved in these cases have heard described in detail over the past year. It includes the following:

Children between the ages of two and five forced to have every imaginable kind of sexual contact with adults and other children of both sexes.

Children tricked into sexual activity in the guise of games, with rewards of treats and candy, and under the apparent influence of drugs administered by teachers.

Children who are pornographically photographed with such frequency that they viewed it as part of their daily routine.

Children taken to numerous locations away from the school and handed over to strangers for sexual and pornographic purposes.

Children exposed to bizarre rituals involving violence, animals, scatalogical behavior and what they perceive as magic.

Children threatened into silence through the use of weapons, threats of harm to death to family members and observing the slaughter of animals.

If these things sound unimaginable to you, you are not alone. All of us involved with these cases struggle with the same thing. Is it a freak anomaly so rare that it is not worth federal attention or policy? Perhaps. But, it is important to realize that I am describing elements of almost a dozen cases in one part of the country in less than a year's time. Ultimately, it is the numbers of children and the consistency of their disclosures that are or should be compelling to all of us. The allegations in these cases have given us a glimpse of a form of child sexual abuse that is foreign even to most of us who work in this field. The most common thread is the existence of multiple victims abused over long periods of time, within the auspices of a legitimate institutional setting.

Most often that may involve the presence of one individual who, unbeknownst to other staff, is using his or her position and access to children for purposes of sexual gratification. Such cases are different enough to uncover and investigate and our current resources are illequipped to undertake that task even where others in the preschool setting are cooperative. What I'd like to try to convey is the magnitide of such a task when multiple suspected perpetrators are involved either within the school itself or in conjunction with a larger ring of adults outside the school. What we then find ourselves dealing with is no less than a conspiracy—an organized operation of child predators designed to prevent detection and usually well-insulated against legal intervention once its existence is suspected. The preschool, in such a case, serves as a ruse for a larger, unthinkable network of crimes against children. If such an operation involved child pornography or the selling of children, as is frequently alleged, it may have greater financial, legal and community resources at its disposal than all of these agencies attempting to expose it. The proposition that a totally unknown number of preschools and other child care institutions could be serving such purposes is formidable, but many of the cases currently under investigation, and most of the descriptions of alleged abuse that I previously listed, could only have existed under these conspiratorial circumstances.

RESPONDING TO THE SERVICE DEMAND

The initial and primary demand in the discovery of a potential preschool abuse case is the need to sensitively and competently interview, evaluate and medically examine potentially huge numbers of very young children. I became involved in the Manhattan Beach case when I was asked by authorities to interview five or six children. Within three months, I had a waiting list of more than 300 children. Whether or not the children describe the abuse as pervasive and involving some or all of their friends, if we have reason to suspect the involvement of one or more caretakers of all of the enrolled children we have an obligation (and usually a demand from parents) that the rest of the children be evaluated. Further, if we have reason to believe that the alleged abuse goes back in time, the child factor quickly multiplies by hundreds. No agency that I know of is equipped to handle the demand in terms of numbers, far less the incredibly complex legal implications, clinical skills and medical services required.

I know of no agency, public or private, in Los Angeles or any other community that is adequately prepared to deal with the kinds of cases of which I speak. I run a center which consists of many components, but the Manhattan Beach case has consumed virtually 95 percent of my time and that of most of my staff since last November. Because we made an initial pledge not to charge parents directly for our services, this case has cost my agency more than $150,000 in unreimbursed expenses in ten months. In addition, our attempt to guarantee the responsible handling of our video taped interviews, to protect the privacy of highly sensitive information and files of children not involved in the legal case, to guard our own liability, and to protect ourselves in court have resulted in more than $50,000 in legal fees so far. We expect that cost to double in the next year.

Multiple-victim child sexual abuse is unusual and requires specialized response in many different ways. Here are some of the characteristics that make these cases so difficult to handle:

The explosive character of these cases: staff workload multiplies by factors of hundreds almost overnight.

The number of victims.

The number of accused molesters.

The length of time over which abuse has occurred.

The difficulty of interviewing very young child victims and child witnesses.

The justifiable sensitivity, anger and confusion of parents.

The need to mobilize a referral network of competent treatment resources.

The need to gather, analyze, and protect enormous quantities of sensitive information.

The number of government agencies involved and the need to coordinate their activities.

The damage done by multiple, repetitious interviews of child victims.

The need for sensitive, state-of-the-art medical evaluation and documentation.

The enormous pressure from the media.

The scale of community reaction.

The amount of demand and stress on staff time and agency resources.

The immediate involvement with law enforcement systems requiring careful evidence-gathering and familiarity with complex legal issues.

Even public agencies, which potentially have far greater financial resources than a private non-profit agency like mine, are not prepared for service onslaughts such as these. In the week following the initial news coverage of our largest case, my center was receiving more than 300 phone calls a day. Our only relief came when the overload finally circuited out our phone system for 24 hours. We have three law firms assisting us, a public relations firm to keep the press off our backs, we've had to have security guards to protect our tapes and files, three additional secretaries and an army of volunteers and it still isn't enough. We can't find enough file cabinets to house the mountain of paperwork generated, I have two interview rooms equipped with video set ups and 32 anatomically correct dolls and they still aren't enough. I even have a special calendar just to keep track of my subpoenas for court appearances.

Multiple victim child sexual abuse cases in child day care centers represent community disasters for which we have no community preparedness programs. Most communities have established plans and emergency resources for response to fire, flood, earthquake and epidemics of disease. The federal government is even developing plans for response to nuclear attack. There are no models, no plans and virtually no experience for dealing with this sort of attack upon our children. And I will tell you from personal experience, once you have been out there alone on the front lines without adequate staff, financial resources or a coordinated community service system, you don't want to go through it again. The McMartin case alone is expected to be in litigation for two to three years. I currently turn down all referrals that appear to be related to abuse in a preschool. I have nowhere else to send them because the qualified professionals I know are already immersed in other preschool cases, but I cannot afford to evaluate one child who could potentially lead to the need to evaluate hundreds of others, plus months and years of time spent on witness stands if allegations turn into indictments.

It is frustrating, exhausting, depressing work which cannot be adequately managed by any single agency—public or private—particularly if there is no prior system established to deal with it. We need a community disaster model for child abuse emergencies in child care settings. Such systems require the competent participation of many agencies and professionals in various disciplines and they need to be able to respond quickly and effectively. They are needed as much to protect the rights and reputations of preschools and their employees from false accusations and hysteria as they are to protect children who may be at risk. If we had a better system for ascertaining the validity of parental concerns, remarks or behavior of children and even official reports of suspected abuse before there are formal arrests and exposure by the media, child care providers might not be in their current state of paranoia, and careers wouldn't have to be needlessly ruined. I have served in such a capacity for more than one preschool and parent and I believe it is as valid and important a role as assisting the discovery of actual abuse.

Beyond the development of coordinated community response systems to meet the services demands of potential multiple victim cases, I have several specific suggestions for ways in which sexual abuse in preschools can better be prevented, investigated and managed within our legal and social service systems. None of them are sufficient by themselves, and all require a far greater commitment than previously exists to safeguarding the out of home environments to which we entrust the most vulnerable and most voiceless members of our society.

Time did not permit the inclusion of typed recommendations and suggestions. They will be submitted at a later date.

Chairman RANGEL. Dr. Bettye Caldwell.

STATEMENT OF BETTYE M. CALDWELL, PH.D., DONAGHEY DISTINGUISHED PROFESSOR OF EARLY CHILDHOOD EDUCATION, UNIVERSITY OF ARKANSAS AT LITTLE ROCK, AND PRESIDENT OF THE NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN

Ms. CALDWELL. Thank you, Mr. Chairman, members of the committee.

I am Bettye Caldwell, president of the National Association for the Education of Young Children which is the largest national organization of child care and early childhood professionals.

Most of my professional life has been devoted to trying to enhance early educational opportunities for children and specifically for 20 years I have worked in research trying to determine whether child care could be a good environment for children.

I have worked in and directed and trained people to work in this vitally important field, and I have watched this field grow.

I used to live in New York State, Congressman Biaggi's State, and I have seen child care operated in small apartments where one woman with no training took care of 12, 14, 15 babies and young children.

New York State does indeed have licensing, and I, for the last 15 years, have been in what has been identified as the progressive State of Arkansas, where we do indeed have licensing for child care. All over the country I have seen it grow in quality. So to hear such a presentation as this makes us all become terribly anxious and upset that such things could happen.

Now, I am not going to talk about what has happened and what is being done. I want to limit my words to some of the things that I think we can do. I do that not to minimize or try to deny that such things happen, although many of them, as has been pointed out, are at this stage still allegations.

It seems to me that the attention of all of us has got to be directed on what can we do. We can go back to the kind of situation we had in Syracuse, NY, in 1964 where we had no licensing, and where anything was acceptable, or we can try to move forward by developing the kinds of standards and the kinds of procedures which, insofar as possible, will minimize and try to eradicate such conditions.

My testimony will emphasize three main points. The first is that the reported instances of sexual abuse in child care centers must be examined in the overall context of enduring concerns about the development of children.

Ultimately the success of any solution to the sexual abuse problem will hinge on our ability to raise human beings who are concerned and loving and humane people.

Hand in hand with parents and families, the child care system is vital to that task, and our job as advocates for and protectors of young children is to do whatever we can to enhance those aspects of child care that we know determine quality. Many of these have been mentioned here this morning, and I am happy that many of them have been mentioned by members of the committee: qualified staff, adequate numbers of staff, coverage by adequate numbers of staff at all times, decent working conditions for staff, and ample opportunities for informed parent selection, formal and rigidly enforced rules about open visitation and observation and encouragement of participation by parents in their child care programs.

Second, I want to talk a little bit about some of the efforts that were under way long before anybody heard about Manhattan Beach, CA, to encourage child care providers to monitor their own activities. I am going to refer just briefly to one of these efforts today—an accreditation program being developed by NAEYC, which is explicitly designed to promote joint parent and provider monitoring of child care.

Third, I want to call attention, as each of you has done, to the fact that the Federal Government also has a role to play in the promotion of high quality care. While Federal subsidies have supported child care programs for many years, the Federal Government has consistently abdicated responsibility for assuring that these funds are channeled to quality programs.

It is a shame to us all that it has taken a crisis for concerns about quality to resurface at the Federal level. I happen to know that that concern has been there, often latent and often blocked, for 20 years, but it has been there, and it is very encouraging to see it manifest itself again. So now that the debate has begun, I want to assure you that representatives of the field want to work with you and want you to work with us to support better training for child care providers, and to develop and to fund appropriate Federal child care standards.

At the outset, I want to reassure the committee that there is not a single person who represents child care who is complacent about the recent allegations of abuse occuring in such programs, but it has been reassuring to me here this morning to hear everyone say that it is not a hotbed of child sexual abuse.

In relation to millions of children in care, the incidence, thank heavens, is very low, but we have heard about 400 children, which tear our heart strings. If there were only one child, it should do the same thing, so we have to be concerned, but at the same time it is important that we realize that there are an awful lot of people out there doing a good job under incredibly difficult circumstances.

It is also important for us to know that child care programs of a therapeutic nature have been one of the most effective rehabilitation methods used with children who have been subjected to sexual abuse within the family.

And as Congressman Anthony and others have said, that is not a new phenomenon in America. The reported instances of abuse are a tragedy to all the children and families, and they are keenly felt by a profession that is devoted to the care and nurture of children.

As Congressman Miller said, you want to think that the people who go into this field are the people who like to love and nurture and care for children. They are, by and large, because the economic rewards and the status rewards in our society are minimal and the physical exertion and the psychological exertion can be very, very great.

Not many of us could get through a day in the steps of the average child care worker, and many of them make minimum wage. Approximately one-half to two-thirds of the people employed in the field make minimum wage, often employed on an hourly basis with no benefits. But along with our concern, we have to be able to give some attention to what we can do. We have to turn our attention from the isolated cases of abuse to all the other children who are out there, and there are literally millions, and their numbers are increasing.

I don't know how anybody in this room or anyone concerned with this issue can turn the demographics around. Both parents in families fortunate enough to have two parents most typically have to work, and, if this is to be done, we have to have a quality child care program in this country.

It seems to me that the quick fix that everybody has referred to might help. Fingerprinting day care providers and running critical checks on prospective employees may catch an individual who should never have been allowed in. But shortcut solutions of this nature will fail to address the underlying and far more pervasive problems.

The first I would mention is one that nobody has talked about—lack of public appreciation of the importance of child care as a vital service. Representative Schroeder perhaps indirectly referred to that. You hear people talk about this field and it is often with a touch of aspersion in the remarks. There is a downplaying of it. We often call the caregivers the most degrading names: "You are just a baby sitter, aren't you?" If you reflect on what that tells you about how this service is viewed by the general public, then you can have grounds for understanding that there are difficulties within it. So to me that is the most basic problem.

Next to that I would put the low status and inadequate training of child care providers. All of our States have some kind of licensing laws with requirements about training, but they are often so minimal that you would be horrified. Some do not even require a high school diploma and many do not require specific training in child development and child care.

We also have insufficient encouragement of parental participation and sometimes insufficient interest on the part of the parents in participation. It is good to talk about involving parents, but there are parents who want to turn their children over to the child care workers and not be bothered with the kind of participation that quality programs will strive for.

Most States have meager resoures for implementation and monitoring of improvements in all types of child care arrangements, but when you talk about the kinds of things that you put into your licensing laws and into your inspection procedures and into reporting of child sexual abuse, if you are not concerned with the overall picture of quality, you will overlook other things that can harm children and yet do not reach the criminal or spectacular proportions that we are talking about today—such things as inappropriate verbal discipline, putting children down, sarcasm and criticism, the neglect of a child's emotional needs, failure to respect the ethnic backgrounds of the children and their families.

All of these are problems that can exist in low-quality care that you cannot get out by simply checking for criminal behavior. They can be removed only if we upgrade the profession in general by additional training, having additional resources, and by additional public respect for it.

Now, I want to mention very briefly some of the things that the NAEYC and other professional groups are trying to do. The first thing I want you to know about the National Academy of Early Childhood programs which will go into effect in January of this year. This is the voluntary accreditation system that I mentioned. We have submitted a description of it and the criteria for quality that go into this. There is not time for me to amplify it, but I repeat that the organization has worked on this for 3 years, long before any of these cases of sexual abuse in child care caught the public attention and long before any of us knew that such things might well have happened.

This project, which will be a joint concern of child care workers and the parents will be, we hope, something like a good housekeeping seal of approval so that parents who need child care for their children can look and say, "This program in my community does represent what this profession says is quality." We are very excited about it and eager to see it move forward.

I would like to mention very briefly my delight that there is this resurrection of Federal Government concern with the ongoing efforts of State governments and professional organizations to promote regulation.

Although licensing has increased, standards have in some respects gone down in different States in these 20 years that I have been active in the field and there has been an erosion of support for licensing particularly, as Congressman Anthony mentioned, from church-sponsored programs which see this as a violation of the guarantee of separation of church and state. Yet when you talk to many of these people who are seeking to have a waiver of licensing for church-sponsored programs, when you talk to them in the corridors of the State capital where the testimony is occurring, you discover that the reason they object to licensing is that all the licensing standards forbid them to use physical punishment with the children. Some will tell you, "we feel we have a right to do this." So if we do away with any of the licensing, we find ourselves opening the door to more abuse in all kinds of child care.

Finally, I want to talk about the fact that the most important way to improve quality is to upgrade the training of the staff. I have already mentioned the fact that many of the workers receive minimum wage. If you look at the salaries of the well-trained people in the field, they are well below what similarly trained people make if they are employed by an elementary or high school. Yet the work is in many ways far more demanding than the work of a teacher of older children. So we have to pay attention to setting up programs that have people who are well trained, who have concern for quality, who know how to network with other community agencies, including child abuse reporting agencies and those that can deal with it.

Finally I want to say that our improvement of quality in this field depends mainly on our ability to establish rapport and a close relationship with our parents, and it relies on their ability to do this with their children. The most important foundation for preventing abuse in the home, outside the home, wherever, lies in the nature of the parent-child relationship. Only when basic trust is strengthened between parent and child and only when parents exercise their rights and responsibilities vis-a-vis those individuals who provide valuable and indispensable supplementation of parental care, can child care become the quality service that parents need and children deserve.

In relation to the comments that have been made here this morning, I think we need to remind ourselves that in order to eradicate sexual abuse in child care or anywhere else, we need to raise children who grow up without those emotional distortions referred to by Congressman Biaggi that lead adults to abuse young children physically and sexually. The gravest responsibility there is obviously within the family, but professional child care reprsents a vital and essential supplementation of the care provided by parents for their children. If we are to help raise the kinds of people one generation hence who will not perpetuate such crimes against children, we cannot shut our eyes today to the broader needs for quality environments for those who are currently on their way to becoming the adults of the next generation.

Thank you.

Chairman **Rangel**. Thank you, Dr. Caldwell.

[The prepared statement follows:]

STATEMENT OF BETTYE M. CALDWELL, PH.D., DONAGHEY DISTINGUISHED PROFESSOR OF EDUCATION, UNIVERSITY OF ARKANSAS AT LITTLE ROCK, AND PRESIDENT OF THE NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN

Mr. Chairman, members of the Committee, I am Bettye Caldwell, President of the National Association for the Education of Young Children, the largest national organization of child care and early childhood professionals. In addition, I am the Donaghey Distinguished Professor of Early Childhood Education at the University of Arkansas at Little Rock. My entire professional life has been devoted to enhancing early educational opportunities for children. Specifically, for 20 years I have conducted studies to examine the developmental effects of child care. I am very pleased to appear before you today.

My testimony will emphasize three points:

(1) The reported instances of sexual abuse in child care centers must be examined in the overall context of enduring concerns about the delivery of quality child care. Ultimately, the success of any solution to the sexual abuse problem will hinge on its ability to enhance those aspects of child care that we know predict quality of care: Qualified staff, adequate numbers of staff, coverage by adequate numbers of staff at all times, adequate working conditions for staff, and ample opportunities for informed parent selection, observation, and participation in their child care programs.

(2) Efforts have been undertaken by child care providers to monitor their own profession, long before the headlines reported instances of abuse in day care. I will describe one of these efforts to you today—an accreditation initiative of NAEYC which is explicitly designed to promote joint parent and provider monitoring of child care.

(3) The federal government also has a role to play in the promotion of high quality child care. While federal subsidies have supported child care programs for many years, the federal government has consistently abdicated responsibility for assuring that these funds are channeled to quality programs. It is a shame that it has taken a crisis for concerns about quality to resurface at the federal level. But, now that the debate has begun, I hope you will work with us to support the training of child care providers, and to develop and fund appropriate federal child care standards.

At the outset, I want to reassure this Committee that I do not know of a single individual in the child care field who is the slightest bit complacent about the recent allegations of abuse occuring in day care centers. It is also important for you to recognize that day care is not a hotbed of child abuse. Far from it. Therapeutic child care programs are among the most effective rehabilitation methods for children who have been subjected to abuse within the family.

The reported instances of abuse are most of all a tragedy to the children and families involved. They are also felt keenly by a profession that is devoted to the care and nurture of children; a profession that is committed to creating environments that will optimize, not distort, the development of children. As parents and citizens, we have to be concerned if even one case of sexual abuse occurs in child care. As professionals, we have to be even more concerned.

I am gratified that this Committee is taking a serious look at the topic of sexual abuse and child care. But, I cannot be emphatic enough about urging you to examine the specific of this issue in the context of broader issues surrounding the quality of care that is provided in today's child care market.

When it comes to seeking solutions, we are not dealing with isolated instances of sexual abuse in child care. We are dealing with a child care market that is poorly regulated, in which child care providers receive pitful wages, and in which many parents who need child care don't begin to have the resources to purchase care in programs that meet their own standards of quality. Let me offer some more specific examples:

(1) NAEYC just completed a study of caregiver wages based on a nationwide sampling of its membership. Although 70% of the respondents had received college-or higher-level training and 60% had received at least some college-level training in early childhood education, over half earned an hourly wage of $7.50 or less. Even among lead teachers and directors—those in supervisory positions—74% earned $10 or less per hour. From one-half to two-thirds of the employees in child care have minimal educational training (high school or less) and begin their employment at minimum wage.

(2) Although statistics are difficult to obtain, it is estimated that between 70% and 90% of all family day care homes are unlicensed, yet this is the most popular form of day care in this country.

(3) The Congressional Budget Office cites demographic data which suggests that an additional 2½ million children under age 6 will join the population needing day care services during this decade.

(4) A federal survey of state day care licensing provisions conducted in 1981 revealed that 31 states failed to include any specifications about staff qualifications beyond requiring a high school diploma. Only 14 states required any form of training in child development for directors of child care programs.

It is in this context that the sexual abuses occurred. Finger-printing day care providers and running criminal checks on prospective employees may catch an incidental individual who should never have been allowed into a child care program. But, shortcut solutions of this nature will fail to address underlying and far more pervasive problems: The low status and inadequate training of child care providers, insufficient encouragement of parental participation, and meager resources for the implementation and monitoring of qualitative improvements in all types of child care arrangements. They will also completely overlook other inappropriate behaviors that can cause harm to children yet do not approach criminal proportions—inappropriate verbal discipline, sarcasm and teasing, neglect of a child's emotional needs. These behaviors can only be addressed via careful selection, observation, and evaluation of child care by training supervisors in the child care setting.

It is precisely because of the seriousness of the sexual abuse problem that we need to identify approaches that will really work to assure the safety of our children in child care programs. This is not the time for quick fixes.

A far more constructive and enduring approach is required. I have several suggestions that I hope will receive your serious attention as you seek means of improving the safety and qualify of the child care that our children receive.

NATIONAL ACADEMY OF EARLY CHILDHOOD PROGRAMS

Many of the points I want to make are embodied in a major new initiative of the National Association for the Education of Young Children. This organization with its 43,000 members comprising the full spectrum of early childhood professionals, has undertaken a long-term, private-sector response to the problem of promoting good quality group programs for young children and of offering both parents and caregivers a practical means for identifying good programs. It is a voluntary accreditation system for early childhood programs.

The name of this project is the National Academy of Early Childhood programs. It is perhaps best portrayed as a "Good Housekeeping Seal of Approval" for child care programs. It represents an attempt by the Early Childhood profession to apply its knowledge base to improving professional practices in the field.

The National Academy is based on the concept that real and lasting improvement in the quality of child care we provide will result only when both professionals and parents become actively involved, as partners, in a process of self-study and evaluation. I want to underscore this point, because there is no other nationwide system to assist parents as consumers in identifying good quality programs.

Participation in the Academy by child care and other early childhood programs is entirely voluntary. The decision to participate will therefore reflect a commitment on the part of individual professionals to self-improvement. (For details see Jeannette Watson's 1984 testimony before the House Select Committee on Children, Youth, and Families.)

NAEYC just has adopted evaluation criteria for the accreditation project which are based on the most current research available and which represent the consensus of our nation's experts in early childhood education. The project has also been field tested with tremendous success in 32 early childhood programs in four areas of the country: California, Florida, Minnesota, and Texas.

I would like to highlight several aspects of the accreditation system that are directly applicable to the problems of sexual abuse which you are discussing today:

First, parents are integral to the success of the accreditation project. We know that parents are the first line of defense when it comes to preventing occurrences of abuse and they are the adults to whom children are most likely to turn when they are troubled. The NAEYC guidelines require that programs implement open parent visitation policies. Then, as part of the self-evaluation process which precedes the final accreditation decision, parents complete a questionnaire which inquires specifically about the accessibility and quality of interactions between parents and caregivers.

Second, the guidelines require that every program define a probation period when hiring new staff. Even the most detailed checks of personal records will not properly assess an individual's ability to provide appropriate care for young children.

Third, staff training and development, as well as regular staff supervision and evaluation lie at the heart of the NAEYC program. One of the most consistent findings of research over the last 15 years is that positive developmental outcomes for children in child care are linked to the specialized training of their caregivers—not just the absence of criminal records, not even years of higher education, but training that is tailored to the skills required in their profession as caregivers. The guidelines require that senior staff be highly trained to spot inappropriate caregiver behavior of all types—not just abusive behavior, but any behavior which fails to promote the healthy social, emotional, and intellectual development of children. Every center is required to provide regular staff supervision and evaluation, as well as ample opportunities for staff development. Finally, the guidelines include several provisions designed to address the support needs and working conditions of the caregivers, such as allowing adequate time for staff breaks and providing adequate employee benefits.

This accreditation program, like the Child Development Associate Credentialing program, that you heard about earlier this month, represents a good faith effort on the part of the child care profession to monitor and upgrade its own procedures and standards.

But even the best intended voluntary accreditation systems cannot begin to guarantee that furhter abuses will not occur in day care unless they are accompanied by equally serious and sustained efforts on behalf of other participants in the child care community.

THE ROLE OF REGULATION

It is time that the federal government join with the on-going efforts of state governments and professional organizations to promote the regulation of child care programs, perhaps in the form of national reference standards for child care. In the absence of licensing standards there is no legal base for ensuring the safety of children in child care. Indeed, government licensing should be perceived not as unwarranted intrusion, but as a vigorous consumer protection program. It is incomprehensible that federal regulations exist to regulate the meat we eat, the cars we buy, and the planes we fly on, but not the quality and safety of the programs that care for our children. We must recognize that, in addition to providing a vital service, day care is a rapidly growing industry. The families that rely on this industry deserve your best protection efforts; they deserve your commitment to taking an active stand for quality day care.

There are three ingredients that should accompany any effort to develop federal child care standards:

(1) They should be solidly grounded in the best, up-to-date knowledge about the promotion of healthy child development. The knowledge base of the child care, early childhood, and child development communities has advanced significantly in recent years. These groups would welcome the opportunity to put their expertise to work for the improvement of our nation's child care services. Specifically, both federal studies and academic research have identified easily observable factors that predict positive child outcomes; for example, staff training tailored to the skills required of child care providers, small group sizes, and high staff-child ratios. We also know that standards should specify unequivocally that parents are permitted to observe their child care program at any time they choose.

(2) They should encompass centers, groups homes, and family day care homes, while taking into account the special nature of particular child care settings.

(3) They must be accompanied by adequate funds to ensure effective implementation and monitoring. Qualitative improvements are costly. This is not news to you, but in the past that is where efforts to promulgate federal child care standards have

stumbled. Without new federal dollars for the specific purpose of assisting child care programs with the costs of complying with regulations, programs will be faced with the choice of closing or passing additional costs onto parents, many of whom are poor.

STAFF AND PARENTS: THE CRITICAL ELEMENTS

Federal child care standards are one necessary ingredient for the promotion of quality child care. Nevertheless, the bottom line for any attempt to assure the protection and nurturance of our children in day care rests with the caregivers who are there in the programs caring for the children. To impose new requirements or standards without paying at least as much attention to issues of staff training, salaries, and benefits; staff-child ratios; and mechanisms for parent involvement is like putting bandaids on a broken leg.

You can develop the most stringent regulations imaginable, but without a staff that is qualified to translate them into the day-to-day practices that ultimately promote the healthy development of children, we will all be left with an empty promise of quality. Moreover, some of the most critical aspects of caring for children (e.g., expressing respect and consideration toward children, promoting continuity in children's caregivers) simply cannot be regulated.

The best way to protect the day-to-day care of children in child care programs is to assure that the caregivers are qualified, that there are enough of them, that they are adequately compensated for the vital and demanding service they provide, and that parents have the purchasing power to promote the development of high-quality programs.

This is not a small or inexpensive task and there is no single way to accomplish it. Moreover, the federal government is in an unique position to adopt an essential leadership role on several fronts:

(1) Federal initiatives for training programs aimed at all child care providers, at those who monitor child care programs, and at parents are a vital need.

(2) Increased assistance for the direct child care subsidies which benefit those families with inadequate resources to purchase quality child care is also needed. This assistance may be channeled through existing programs as long as it is specifically targeted to child care services, or new initiatives may be required.

(3) The dependent care tax credit, which disproportionately benefits the wealthy as presently structured, should be more carefully targeted on lower income families while also recognizing that it will never assist the poor. At the very least, the credit should be made refundable.

(4) The Child Care Information and Referral Services Act, now part of the Head Start and Human Services Amendments of 1984 (H.R. 5885), could make a tangible contribution to facilitating the efficient use of existing child care resources and to educating parents and providers about how to recognize and offer high quality child care.

(5) The Child Care Food Program is the single most important factor which has encouraged family day care providers to become licensed and is the only source of training, albeit limited, presently available for this group. It deserves your firm support.

COORDINATION WITH STATE CHILD ABUSE AND NEGLECT AGENCIES

In each state, there is a specific office charged with responsibility for receiving and investigating child abuse and neglect reports. Child care personnel in all states should be familiar with their state laws about child abuse reporting and should know the names and phone numbers of the staff members of the agency responsible for handling such reports. Many of these organizations have developed programs and materials for adults and children on sexual abuse.

In this same vein, most large communities have a day care program that offers respite care for abused and neglected children. The specialized staff of these programs are ideally suited to offer in-service training for other child care providers in their community and should be rewarded for efforts of this nature. It would be extremely helpful if you could provide seed money for pilot projects of this nature.

Finally, I return to the parents. The most important foundation for preventing abuse lies in the nature of the parent-child relationship. Only when basic trust is strengthened between parent and child, and only when parents exercise their rights and responsibilities vis-a-vis those individuals who provide valuable and indispensable supplementation of parental care, can professional child care become the quality service that parents need and children deserve.

I would like to conclude by reminding you that high quality child care, which lovingly supplements the care and education children receive from their families, remains the best way we know to help families carry out their task of childbearing while remaining economically independent. Measures which are punitive in nature or which adopt superficially appealing solutions as a panacea to the complex problems associated with providing quality child care services will create a false sense of security. What is needed is a public commitment to work for higher quality child care. As a nation we should not be willing to settle for anything less.

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CRITERIA FOR HIGH QUALITY EARLY CHILDHOOD PROGRAMS

A. Interactions among staff and children

Goal: Interactions between children and staff provide opportunities for children to develop an understanding of self and others and are characterized by warmth, personal respect, individuality, positive support, and responsiveness. Staff facilitate interactions among children to provide opportunities for development of social skills and intellectual growth.

A–1. Staff interest frequently with children. Staff express respect for and affection toward children by smiling, touching, holding, and speaking to children at their eye level throughout the day, particularly on arrival and departure, and when diapering or feeding very young children.

A–2. Staff are available and responsive to children, encouraging them to share experiences, ideas, and feelings, and listening to them with attention and respect.

A–3. Staff speak with children in a friendly, positive courteous manner. Staff converse frequently with children, asking open-ended questions and speaking individually to children (as opposed to the whole group) most of the time.

A–4. Staff treat children of all races, religions and cultures equally with respect and consideration. Staff provide children of both sexes with equal opportunities to take part in all activities.

A–5. Staff encourage developmentally appropriate independence in children. Staff foster independence in routine activities—picking up toys, wiping spills, personal grooming (toileting, washing hands), obtaining and caring for materials, and other self-help skills.

A–6. Staff use positive techniques of guidance, including redirection, anticipation of and elimination of potential problems, positive reinforcement, and encouragement rather than competition, comparison, or criticism. Staff abstain from corporal punishment or other humiliating or frightening discipline techniques. Consistent, clear rules are explained to children and understood by adults.

A-7. The sound of the environment is primarily marked by pleasant conversation, spontaneous laughter, and exclamations of excitement rather than harsh, stressful noise or enforced quiet.

A-8. Staff assist children to be comfortable, relaxed, happy, and involved in play and other activities.

A-9. Staff foster cooperation and other prosocial behaviors among children.

A-10. Staff expectations of children's social behavior are developmentally appropriate.

A-11. Children are encouraged to verbalize feelings and ideas.

B. Curriculum

Goal: The curriculum encourages children to be actively involved in the learning process, to experience a variety of developmentally appropriate activities and materials, and to pursue their own interests in the context of life in the community and the world.

B-1. The curriculum is planned to reflect the program's philosophy and goals for children.

B-2. Staff plan realistic curriculum goals for children based on assessment of individual needs and interests.

B-3. Modifications are made in the environment when necessary for children with special needs. Staff make appropriate professional referrals where necessary.

B-4. The daily schedule is planned to provide a balance of activities on the following dimensions:

a. Indoor/outdoor.
b. Quiet/active.
c. Individual/small group/large group.
d. Large muscle/small muscle.
e. Child initiated/staff initiated.

B-5. Developmentally appropriate materials and equipment which project heterogeneous racial, sexual, and age attributes are selected and used.

B-6. Staff members continually provide learning opportunities for infants and toddlers, most often in response to cues emanating from the child. Infants and toddlers are permitted to move about freely, exploring the environment and initiating play activities.

B-7. Staff provide a variety of developmentally appropriate activities and materials that are selected to emphasize concrete experiential learning and to achieve the following goals:

a. Foster positive self-concept.
b. Develop social skills.
c. Encourage children to think, reason, question, and experiment.
d. Encourage language development.
e. Enhance physical development and skills.
f. Encourage and demonstrate sound health, safety and nutritional practices.
g. Encourage creative expression and appreciation for the arts, and
h. Respect cultural diversity of staff and children.

B-8. Staff provide materials and time for children to select their own activities during the day. Children may choose from among several activities which the teacher has planned or the children initiate. Staff respect the child's right to choose not to participate at times.

B-9. Staff conduct smooth and unregimented transitions between activities. Children are not always required to move from one activity to another as a group. Transitions are planned as a vehicle for learning.

B-10. Staff are flexible enough to change planned or routine activities according to the needs or interests of the children or to cope with changes in weather or other situations which affect routines without unduly alarming children.

B-11. Routine tasks are incorporated into the program as a means of furthering children's learning, self-help, and social skills. Routines such as diapering, toileting, eating, dressing, and sleeping are handled in a relaxed, reassuring, and individualized manner based on developmental needs. Staff plan with parents to make toilet training, feeding, and the development of other independent skills a positive experience for children. Provision is made for children who are early risers and for children who do not nap.

C. Staff-parent interaction

Goal: Parents are well informed about and welcome as observers and contributors to the program.

C-1. Information about the program is given to new and prospective families, including written descriptions of the program's philosophy and operating procedures.

C-2. A process has been developed for orienting children and parents to the center which may include a pre-enrollment visit, parent orientation meeting, or gradual introduction of children to the center.

C-3. Staff and parents communicate regarding home and center childrearing practices in order to minimize potential conflicts and confusion for children.

C-4. Parents are welcome visitors in the center at all times (for example, to observe, eat lunch with a child, or volunteer to help in the classroom). Parents and other family members are encouraged to be involved in the program in various ways, taking into consideration working parents and those with little spare time.

C-5. A verbal and/or written system is established for sharing day-to-day happenings that may affect children. Changes in a child's physical or emotional state are regularly reported.

C-6. Conferences are held at least once a year and at other times, as needed, to discuss children's progress, accomplishments, and difficulties at home and at the center.

C-7. Parents are informed about the center's program through regular newsletters, bulletin boards, frequent notes, telephone calls, and other similar measures.

D. Staff qualifications and development

Goal: The program is staffed by adults who understand child development and who recognize and provide for children's needs.

D-1. The program is staffed by individuals who are 18 years of age or older, who have been trained in early childhood education/child development, and who demonstrate the appropriate personal characteristics for working with children as exemplified in the criteria for staff-child interaction and curriculum. Staff working with school-age children have been trained in child development, recreation, or a related field. The amount of training required will vary depending on the level of professional responsibility of the position (see Table 1). In cases where staff members do not meet the specified qualifications, a training plan, both individualized and center-wide, has been developed and is being implemented for those staff members. The training is appropriate to the age group with which the staff member is working (see Table 1).

TABLE 1.—STAFF QUALIFICATIONS

Level of professional responsibility	Title	Training requirements
Preprofessionals who implement program activities under direct supervision of the professional staff.	Early childhood teacher assistant.	High school graduate or equivalent, participation in professional development programs.
Professionals who independently implement program activities and who may be responsible for the care and education of a group of children.	Early childhood associate teacher.	CDA credential or associate degree in early childhood/child development.
Professionals who are responsible for the care and education of a group of children.	Early childhood teacher......	Baccalaureate degree in early childhood/child development.
Professionals who supervise and train staff, design curriculum and/or administer programs.	Early childhood specialist...	Baccalaureate degree in early childhood/child development and at least three years of full-time teaching experience with young children and/or a graduate degree in ECE/CD.

D-2. The chief administrative officer of the center has training and/or experience in business administration. If the chief administrative officer is not an early childhood specialist, an early childhood specialist is employed to direct the educational program.

D-3. New staff are adequately oriented about goals and philosophy of the center, emergency health and safety procedures, special needs of individual children assigned to the staff member's care, guidance and classroom management techniques, and planned daily activities of the center.

D-4. The center provides regular training opportunities for staff to improve skills in working with children and families and expects staff to participate in staff development. These may include attendance at workshops and seminars, visits to other children's programs, access to resource materials, in-service sessions, or enrollment in college level/technical school courses. Training addresses the following areas:

health and safety, child growth and development, planning learning activities, guidance and discipline techniques, linkages with community services, communication and relations with families, and detection of child abuse.

D-5. Accurate and current records are kept of staff qualifications including transcripts, certificates, or other documentation of continuing in-service education.

E. Administration

Goal: The program is efficiently and effectively administered with attention to the needs and desires of children, parents, and staff.

E-1. At least annually, the director and staff conduct an assessment to identify strengths and weaknesses of the program and to specify program goals for the year.

E-2. The center has written policies and procedures for operating, including hours, fees, illness, holidays, and refund information.

E-3. The center has written personnel policies including job descriptions, compensation, resignation and termination, benefits, and grievance procedures. Hiring practices are nondiscriminatory.

E-4. Minimum benefits for full-time staff include medical insurance coverage that is provided or arranged, sick leave, annual leave, and Social Security or some other retirement plan.

E-5. Records are kept on the program and related operations such as attendance, health, confidential personnel files, and board meetings.

E-6. In cases where the center is governed by a board of directors, the center has written policies defining roles and responsibilities of board members and staff.

E-7. Fiscal records are kept with evidence of long range budgeting and sound financial planning.

E-8. Accident protection and liability insurance coverage is maintained for children and adults.

E-9. The director is familiar with and makes appropriate use of community resources including social services, mental and physical health agencies, and educational programs such as museums, libraries, and neighborhood centers.

E-10. Staff and administration communicate frequently. There is evidence of joint planning and consultation among staff. Regular staff meetings are held for staff to consult on program planning, to plan for individual children, and to discuss program and working conditions. Staff are provided paid planning time.

E-11. Staff members are provided space and time away from children during the day. When staff work directly with children for more than four hours, they are provided breaks of at least 15 minutes in each four hour period.

F. Staffing

Goal: The program is sufficiently staffed to meet the needs of and promote the physical, social, emotional, and cognitive development of children.

F-1. The number of children in a group is limited to facilitate adult-child interaction and constructive activity among children. Groups of children may be age-determined or multi-age. Maximum G Group size is detemined by the distribution of ages in the group. Optimal group size would be smaller than the maximum. Group size limitations are applied indoors to the group that children are involved in during most of the day. Group size limitations will vary depending on the type of activity, whether it is indoors or outdoors, the inclusion of children with special needs, and other factors. A group is the number of children assigned to a staff member or team of staff members occupying an individual classroom or well-defined space within a larger room (see Table 2).

F-2. Sufficient staff with primary responsibility for children are available to provide frequent personal contact, meaningful learning activities, supervision, and to offer immediate care as needed. The ratio of staff to children will vary depending on the age of the children, the type of program activity, the inclusion of children with special needs, the time of day, and other factors. Staffing patterns should provide for adult supervision of children at all times and the availability of an additional adult to assume responsibility if one adult takes a break or must respond to an emergency. Staff/child ratios are maintained in relation to size of group (see Table 2). Staff/child ratios are maintained through provision of substitutes when regular staff members are absent. When volunteers are used to meet the staff child ratios, they must also meet the appropriate qualifications unless they are parents (or guardians) of the children.

TABLE 2.—STAFF-CHILD RATIOS WITHIN GROUP SIZE

Age of children [2]	Group size									
	6	8	10	12	14	16	18	20	22	24
Infants (0–12 mo.)	1:3	1:4								
Toddlers (12–24 mo.)	1:3	1:4	1:5	1:4						
Two-year-olds (24–26 mos.)		1:4	1:5	1:6						
Two- and three-year-olds			1:5	1:6	[1] 1:7					
Three-year-olds			1:5	1:6	1:7	[1] 1.8				
Three- and four-year-olds					1:7	1:8	1:9	[1] 1:10		
Four-year-olds						1:8	1:9	[1] 1:10		
Four- and five-year olds						1:9	1:9	[1] 1:10		
Five-year-olds						1:8	1:9	1:10		
Six to eight-year-olds (schoolage)								1:10	1:11	1:12

[1] Smaller group sizes and lower staff-child ratios are optimal. Larger group sizes and higher staff-child ratios are acceptable only in cases where staff are highly qualified (see staff qualifications).

[2] Multi-age grouping is both permissible and desirable. When no infants are included, the staff-child ratio and group size requirements shall be based on the age of the majority of the children in the group. When infants are included ratios and group size for infants must be maintained.

F–3. Each staff member has primary responsibility for and develops a deeper attachment to an identified group of children. Every attempt is made to have continuity of adults who work with children, particularly infants and toddlers. Infants spend the majority of the time interacting with the same person each day.

G. Physical environment

Goal: The indoor and outdoor physical environment fosters optimal growth and development through opportunities for exploration and learning.

G–1. The indoor and outdoor environments are safe, clean, attractive, and spacious. There is a minimum of 35 square feet of usable playroom floor space indoors per child and a minimum of 75 square feet of play space outdoors per child.

G–2. Activity areas are defined clearly by spatial arrangement. Space is arranged so that children can work individually, together in small groups, or in a large group. Space is arranged to provide clear pathways for children to move from one area to another and to minimize distractions.

G–3. The space for toddler and preschool children is arranged to facilitate a variety of small group and/or individual activities, including block building, sociodramatic play, art, music, science, math, manipulatives, and quiet book reading. Other activities such as sand/water play and woodworking are also available on occasion. Carpeted areas and ample crawling space are provided for nonwalkers. Sturdy furniture is provided so nonwalkers can pull themselves up or balance themselves while walking. School-age children are provided separate space arranged to facilitate a variety of age-appropriate activities.

G–4. Age-appropriate materials and equipment of sufficient quantity, variety, and durability are readily accessible to children and arranged on low, open shelves to promote independent use by children.

G–5. Individual hanging space for children's clothing and space for each child to store personal belongings is provided.

G–6. Private areas are available indoors and outdoors for children to have solitude.

G–7. The environment includes soft elements such as rugs, cushions, or rocking chairs.

G–8. Sound-absorbing materials are used to cut down on excessive noise.

G–9. The outdoor area provides a variety of surfaces such as hard surface areas for wheel toys, soil, sand, grass, hills, and flat areas. The outdoor area provides shade, open space, digging space, and a variety of equipment for riding, climbing, balancing, and individual play. The outdoor area is protected from access to streets or other dangerous areas.

H. Health and safety

Goal: The health and safety of children and adults are protected and enhanced.

H–1. The center is in compliance with the legal requirements for protection of the health and safety of children in group settings. The center is licensed or accredited by the appropriate local/state agencies. If exempt from licensing, the center demonstrates compliance with its own state regulations for child care centers subject to licensing.

H-2. Each adult is free of physical and psychological conditions that might adversely affect children's health. Staff receive pre-employment physical examinations, tuberculosis tests, and evaluation of any infection. New staff members serve a probationary employment period during which the director or other qualified person can make a professional judgment as to their physical and psychological competence for working with children.

H-3. A written record is maintained for each child, including the results of a complete health evaluation by an approved health care resource within six months prior to enrollment, record of immunizations, emergency contact information, names of people authorized to call for the child, and pertinent health historic (such as allergies or chronic conditions). Children have received the necessary immunizations as recommended for their age group by the American Academy of Pediatrics.

H-4. The center has a written policy specifying limitations on attendance of sick children. Provision is made for the notification of parents, the comfort of ill children, and the protection of well children.

H-5. Provisions are made for safe arrival and departure of all children which also allow for parent-staff interaction.

A system exists for ensuring that children are released only to authorized persons.

H-6. If transportation is provided for children by the center, vehicles are equipped with age-appropriate restraint devices.

H-7. Children are under adult supervision at all times.

H-8. Staff is alert to the health of each child. Individual medical problems and accidents are recorded and reported to staff and parents.

H-9. Suspected incidents of child abuse and/or neglect by parents or staff or other persons are reported to appropriate local agencies.

H-10. At least one staff member, who has certification in emergency first aid treatment and cardiopulmonary resuscitation (CPR) from a licensed health professional, is always in the center.

H-11. Adequate first aid supplies are readily available. A plan exists for dealing with medical emergencies.

H-12. Children are dressed appropriately for outdoor activities. Extra clothing is kept on hand for each child.

H-13. The facility is cleaned daily to disinfect bathroom fixtures and remove trash. Infants' equipment is washed and disinfected at least twice a week. Toys which are mouthed are washed daily. Soiled diapers are disposed of or held for laundry in closed containers inaccessible to the children. The cover of the changing table is either disinfected or disposed of after each change of a soiled diaper.

H-14. Staff wash their hands with soap and water before feeding and after diapering or assisting children with toileting or nose wiping. A sink with running hot and cold water is adjacent to the diapering area.

H-15. All equipment and the building are maintained in a safe, clean condition and in good repair (for example there are no sharp edges, splinters, protruding or rusty nails, or missing parts). Infants' and toddlers' toys are large enough to prevent swallowing or choking.

H-16. Individual bedding is washed once a week and used by only one child between washings. Individual cribs, cots, or mats are washed if soiled. Sides of infants' cribs are in a locked position when occupied.

H-17. Toilets, drinking water, and handwashing facilities are easily accessible to children. Soap and disposable towels are provided. Children wash hands after toileting and before meals. Hot water temperature does not exceed 110° F(43°C) at outlets used by children.

H-18. All rooms are well lighted and ventilated. Stairways are well-lighted and equipped with handrails. Screens are placed on all windows which open. Electrical outlets are covered with protective caps. Floor coverings are attached to the floor or backed with non-slip materials. Non-toxic building materials are used.

H-19. Cushioning materials such as mats, wood chips, or sand are used under climbers, slides, or swings. Climbing equipment, swings, and large pieces of furniture are securely anchored.

H-20. All chemicals and potentially dangerous products such as medicines or cleaning supplies are stored in original, labeled containers in locked cabinets inaccessible to children. Medication is administered to children only when a written order has been submitted by a parent, and the medication is administered by a consistently designated staff member.

H-21. All staff are familiar with primary and secondary evacuation routes and practice evacuation procedures monthly with children. Written emergency procedures are posted in conspicuous places.

H-22. Staff are familiar with emergency procedures such as operation of fire extinguishers and procedures for severe storm warnings. Smoke dectectors and fire extinguishers are provided and periodically checked. Emergency telephone numbers are posted by phones.

I. Nutrition and food service

Goal: The nutritional needs of children and adults are met in a manner that promotes physical, social, emotional, and cognitive development.

I-1. Meals and/or snacks are planned to meet the child's nutritional requirements as recommended by the Child Care Food Program of the U.S. Department of Agriculture in proportion to the amount of time the child is in the program each day.

I-2. Menu information is provided to parents. Feeding times and food consumption information is provided to parents of infants and toddlers at the end of each day.

I-3. Mealtimes promote good nutrition habits. Toddlers and preschoolers are encouraged to serve and feed themselves. Chairs, tables, and eating utensils are suitable for the size and developmental levels of the children. Mealtime is a pleasant social and learning experience for children. Infants are held in an inclined position while bottle feeding. Foods indicative of children's cultural backgrounds are served periodically. At least one adult sits with children during meals.

I-4. Food brought from home is stored appropriately until consumed.

I-5. Where food is prepared on the premises, the center is in compliance with legal requirements for nutrition and food service. Food may be prepared at an approved facility and transported to the program in appropriate sanitary containers and at appropriate temperatures.

J. Evaluation

Goal: Systematic assessment of the effectiveness of the program in meeting its goals for children, parents, and staff is conducted to ensure that good quality care and education are provided and maintained.

J-1. The director (or other appropriate person) evaluates all staff at least annually and privately discusses the evaluation with each staff member. The evaluation includes classroom observation. Staff are informed of evaluation criteria in advance. Results of evaluations are written and confidential. Staff have an opportunity to evaluate their own performance. A plan for staff training is generated from the evaluation process.

J-2. At least annually, staff, other professionals, and parents are involved in evaluating the program's effectiveness in meeting the needs of children and parents.

J-3. Individual descriptions of children's development are written and compiled as a basis for planning appropriate learning activities, as a means of facilitating optimal development of each child, and as records for use in communications with parents.

Chairman **Rangel**. We will hear from Ms. Anne Cohn. I would like to point out that the full statements of all of the witnesses will be entered into the record.

STATEMENT OF ANNE H. COHN, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE

Ms. **Cohn**. Thank you, Mr. Chairman, members of the committee. My name is Anne Cohn. I am executive director of the National Committee for Prevention of Child Abuse, a volunteer-based organization headquartered in Chicago with 46 chapters across the country.

A goal of the committee is to reduce the amount of child abuse in this country by 20 percent by 1990. Our knowledge about sexual abuse, while vastly improved over the last 5 to 10 years, is certainly not definitive. It is clear to me that what we consider the facts of sexual abuse today will undoubtedly change over the next 5 years. However, based on what we do know, based on the research that has been done, I feel confident in asserting the following:

No. 1, most sexual abuse occurs in children over the age of 5, past the preschool or day care age.

No. 2, most sexual abuse occurs close to or at home. Most perpetrators are members of the victims' immediate families, relatives, neighbors, and close family friends.

No. 3, there is no one personality test, no one set of characteristics, no profile, no one check list that can be used to separate sexual perpetrators from nonperpetrators.

No. 4, today most sexual abusers do not have criminal records related to molestation or abuse of children.

No. 5, most children past the toddler stage can be taught lessons about self-protection and reaching out for help in relation to sexual molestation and most children can apply these lessons in most of the situations of molestation that occur.

No. 6, the single most promising avenue to prevent child abuse and sexual abuse that we know of today is by arming children and their parents with knowlege about self-protection of children.

And one additional fact which we know from the child care community, No. 7, most preschoolers who are not in their own parents' care are not in licensed day care settings.

Because I believe in the above, I am deeply concerned about Federal proposals to respond to the child sexual abuse problem by imposing employee screening standards on licensed day care facilities. I am personally committed to stopping sexual abuse by using all effective approaches to do so. I believe, however, that screening of day care workers will do little to stop sexual abuse. It will possibly impose unnecessary burdens and costs on day care centers while giving lawmakers, the public and perhaps most importantly parents, a false sense that we have done something about the problem.

With all due respect to all concerned individuals who have made proposals to fingerprint and otherwise screen workers in licensed day care settings, I regard this somewhat as an hysterical approach. We want and need so desperately to find a solution to the tragedy of sexual abuse that we seem to be grabbing at the first remedy that comes along without considering its cost or its effectiveness.

Let's consider the following: What if the proposed legislation were passed and implemented? What would happen? First, we have to understand that there has been no study, no evaluation done of this kind of legislation, so we can only surmise what might happen, but it would appear that day care costs will rise as a result of the burdens of the new screening requirements and maybe, just maybe, a few day care job applicants or employees would be identified as potential or actual perpetrators and would not be allowed to work in licensed day care settings. What then? Wouldn't those few people simply go find employment in another setting where such screening does not occur—a small unlicensed child care program, a boy's club, a Girl Scout program, a pediatric ward in a hospital? Would we have solved the problem in any way? If we are serious about wanting to stop, about wanting to prevent sexual abuse, I would urge our lawmakers to drop the fingerprinting and screening proposals and instead to dedicate attention to legislation which will help us figure out the following things:

First, how can we best encourage all parents to educate their children about protection against sexual abuse?

Second, how can we best educate parents and teachers and child care workers and pediatricians about how to listen to and observe children so that they can detect sexual abuse in its earliest stages should it occur?

Third, how could we best make available to all parents suggested guidelines for quality child care which would include what to look for in a person who will, or a facility which will, care for your child?

Fourth, how can we best encourage all the schools, day care settings, and other settings which serve children to provide educational programs to children about sexual abuse prevention.

And how can we prevent potential perpetrators from becoming perpetrators? For all the attention we have paid to this problem over the last 7 or even years, we have spent almost no money, almost none of our energy trying to figure out how you stop a potential molester from actually becoming a molester. We have looked at ways of keeping them away from children, looked at ways for protecting children or helping children protect themselves from becoming victims, but we have done literally nothing to try and stop the problem from occurring from the point of view of the potential perpetrator.

I am not alone in my views. I came here from Montreal where I was attending the Fifth International Congress on Child Abuse and Neglect. That meeting is attended by over 2,000 child abuse neglect specialists from around the world. While I was there, I had an opportunity to talk with several of my esteemed colleagues in this field, who are also concerned about the proposed legislation. I have with me statements from four of them. I would like to submit them for the record.

[The statements follow:]

STATEMENT OF PATRICIA I. MRAZEK, MSW, PH.D., DEPARTMENT OF PEDIATRICS, UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER

Employee screening policies, including finger printing, cannot be considered a viable way of protecting children against sexual abuse.

1. The costs would be enormous.
2. Known criminal offenders account for a very small percentage of those who molest children.
3. Most sexually abused children are more than five years of age and no longer in day care centers or preschools.
4. Such policies are an invasion of personal rights and also discriminatory unless they apply to all people who are entrusted with the care of other people's children.

STATEMENT OF RICHARD D. KRUGMAN, MD., DIRECTOR, C. HENRY KEMPE NATIONAL CENTER FOR THE PREVENTION AND TREATMENT OF CHILD ABUSE AND NEGLECT

The explosion of cases of sexual abuse of children recently is opening the eyes of more and more members of Congress to this ancient problem. The proposals to fingerprint and do background checks on day care center personnel are an understandable reaction to the highly publicized cases of molestation of children in these centers. In my opinion, Federal support for such a program is premature.

When one puts into perspective the facts that the majority of molestation of children occurs not in day care settings, one wonders why we stop there? Why not also fingerprint pediatricians, child psychiatrists, and psychologists all social workers, all teachers, etc., etc. The answer of course, is that those folks would viscerally resist (as teachers did in the 1983 session of the Colorado legislature). The more important reason is that we don't know it will work—if you define "work" as protecting children. Individuals who sexually abuse children will find places to do so—displacing them from licensed day care centers will, in fact, reduce the likelihood that we will be able to identify them. The conditions of licensure should include training for personnel and center directors in recognizing symptoms of sexually abused children.

Further, some states (notably California) have begun this approach. Is it working? The Federal Government should evaluate existing programs before mandating something that might not be effective.

The history of Federal involvement in the area of child abuse and neglect has been unidimensional and underwhelming. A reflexive response to news coverage of molestation of preschoolers at this time is not helpful. In the long haul, we need the Federal Government to stimulate better research, develop a multi-disciplinary agency coordinated approach to the program, and focus on leadership in prevention and treatment of the program.

Thank you.

STATEMENT OF JILL E. KORBIN, PH.D., ASSISTANT PROFESSOR OF ANTHROPOLOGY, CASE WESTERN RESERVE UNIVERSITY, CLEVELAND, OH

As an anthropologist, I think it is critical to point out that the United States stands nearly alone in the degree to which parents must rely on unrelated and unknown individuals for the daily care of their young children. Cross-culturally, children are not cared for in settings closed off and isolated from the adult world. Because of this, unique problems must be faced in providing quality care and protection for American children.

On the face of it, it is difficult to argue against any action that would provide a measure of protection for our children. In a time of scarce resources, however, efforts to fingerprint individuals who work in day care centers, in an effort to screen out known pedophiles, is a gesture that will falsely allay fears about child sexual abuse. Since child sexual abuse occurs predominantly within the family, measures to prevent it will be ill-placed if they focus only on children in licensed day care settings.

Efforts to date have not identified a consistent profile of perpetrators of child sexual abuse. All children and their parents must have access to realistic education concerning child sexual abuse. Children must be educated and supported in protecting themselves. Parents must learn how to recognize signs of possible sexual abuse in their children. In this way, public and private tragedies may be averted in a more effective fashion.

STATEMENT OF ELI H. NEWBERGER, M.D., DIRECTOR, FAMILY DEVELOPMENT PROGRAM, CHILDREN'S HOSPITAL, BOSTON, MA

Fingerprinting of prospective day care workers will not help to prevent child sexual abuse. Individuals with criminal records who might endanger children can and should be screened out through other means.

Relatively few pedophiles are criminally prosecuted. Surveys suggest, however, that the number of victims of child sexual abuse is vast. There is, therefore, a very small likelihood that a given offender would be identified through a fingerprint screen. Furthermore, sexual offenses against children are unlikely to leave fingerprint evidence.

In addition to its technical inefficiency, a fingerprinting campaign would signal a negative and impersonal approach to a policy to prevent child sexual abuse. This policy should be positive and personal. It need not alienate children from their care givers. Nor should the process of recruitment and selection discourage talented people from careers in child care.

Pedophiles are often quite artful in gaining access to the particular ages and genders of children whose contact they crave. Any policy to inhibit their access to children should include all lines of work with children, for example, child welfare work, providing foster home care, nursing, medicine, teaching, and voluntary activities such as scouting and athletic coaching. If only day care is targeted for employee screening, pedophiles will seek other outwardly legitimate lines of work.

The task of sexual abuse prevention in day care centers must be addressed simultaneously with an effort to define the national need for child care and the appropriate specialized training, pay, workload, and supervision of child care workers. The absence of a national day care policy makes the sexual abuse of children in out-of-home care virtually inevitable.

Positive approaches to the prevention of child sexual abuse should be built into the selection and supervision of child care personnel. It should include questions

> posed sensitively and well, which address the individual's motivation to work with children and his or her special interests in particular ages and genders. There will be few explicit warning signals, but, just as in sound clinical practice with families at risk for child abuse, any leads should be monitored and followed with discretion and care.
>
> Children in day care settings, too, should be given instruction on how to say no and whom to tell if an adult attempts to coerce them into a secret relationship.
>
> Because little is known about the nature and typology of pedophilia, research is also urgently needed. This should include a systematic compiling of victims' experiences, police and pension records where available, and surveys of samples of the national population to avoid the biases associated with the study of court cases.

Ms. COHN. I would also like to read small portions of each of their comments. The first comes from Dr. Patricia Beasley Mrazek, a family specialist from the Department of Pediatrics of the University of Colorado. She states:

> Employee screening policies, including fingerprinting, cannot be considered a viable way of protecting children against sexual abuse. The costs would be enormous. Known criminal offenders account for a very small percentage of those who molest children. Most sexually abused children are more than five years of age and no longer in day care centers or preschools. Such policies are an invasion of personal rights and are also discriminatory unless they apply to all people who are entrusted with the care of other peoples' children.

Dr. Mrazek coedited the book "Child Sexual Abuse" with the late Dr. C. Henry Kempe.

Richard Krugman, director of the C. Henry Kempe Center for the Prevention and Treatment of Child Abuse and Neglect in Denver, CO, said:

> When one puts into perspective the fact that the majority of molestation of children does not occur in day care settings, one wonders why we would stop there. Why not also fingerprint pediatricians, child psychiatrists and psychologist, all social workers, all teachers and so on? The answer, of course, is that these folks would viscerally resist, as the teachers did in the 1983 session of the Colorado Legislature. The conditions of licensure for day care should include training for personnel and center directors in recognizing symptoms of sexually abused children.

From Dr. Jill Korbin, a noted anthropologist in the field of child abuse, now a professor at Case Western Reserve University in Ohio:

> On the face of it, it is difficult to argue against any action that would provide a measure of protection for our children. In a time of scarce resources, however, efforts to fingerprint individuals who work in day care centers in an effort to screen out known pedophiles is a gesture that would falsely allay fears about child sexual abuse. Since child sexual abuse occurs predominately within the family, measures to prevent it will be ill placed if they focus only on children in licensed day care settings.

And finally, from Dr. Eli Newberger, director of the Family Development Program at Children's Hospital in Boston:

> In addition to its technical efficiencies, a fingerprinting campaign would signal a negative and impersonal approach to a policy to prevent child sexual abuse. This policy should be positive and it should be personal. It need not alienate children from their caregivers, nor should the process of recruitment and selection discourage talented people from careers in child care.
>
> Positive approaches to the prevention of sexual abuse should be built into the selection and supervision of child care personnel. It should include questions posed sensitively which well address the individual's motivation to work with children and his or her special interests in particular ages and genders. There will be few explicit warning signs, but just as in sound clinical practice with families at risk for child abuse, any lead should be monitored and followed with discretion and care.
>
> Children in day care settings, too, should be given instruction on how to say no and whom to tell if an adult attempts to coerce them into a secret relationship.

High-quality day care and safe day care for all children in this country is obviously something we all deem essential. I don't believe that fingerprinting will get us there. I think that education of parents and education of children, better training of child care workers and a number of other proposals will.

Thank you.

[The prepared statement follows:]

STATEMENT OF ANNE H. COHN, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE

Our knowledge of sexual abuse, while vastly improved over the past decade, is not definitive. However, based on what is known, I feel confident in asserting the following:

1. Most sexual abuse occurs in children over the age of 5, past the pre-school or day care age.
2. Most sexual abuse occurs close to or at home; most perpetrators are members of the victims immediate families, relatives, neighbors and close family friends.
3. There is no one personality test, no one set of characteristics, no one check list that can be used to separate sexual perpetrators and potential perpetrators from non-perpetrators.
4. Today, most sexual abusers do not have criminal records related to molestation or abuse of children.
5. Most children can be taught lessons about self-protection and reaching out for help in relation to sexual molestation; and they can apply these lessons in *most* situations of molestation.
6. The single most promising avenue to *preventing* sexual abuse at this time is by arming children and parent with knowledge about self-protection of children .

And one additional fact, which we know from the child care community:

7. Most pre-schoolers who are not in their own parents care are not in licensed day care settings.

Because I believe the above, I am deeply concerned about proposals to respond to the child sexual abuse problem by imposing employee screening standards on licensed day care facilities. Please understand, I am personally committed to stopping sexual abuse and using all effective approaches to do so. I believe, however, that screening of day care workers will do little to stop sexual abuse. What it will do is impose unnecessary burdens and costs on day care centers while giving lawmakers, the public and parents a false sense that we have done something about the problem. With all due respect to all the concerned individuals who have made proposals to fingerprint and otherwise screen workers in licensed day care settings, I regard this as an hysterical approach. We want and need so desperately to find a solution to the tragedy of sexual abuse that we seem to be grabbing at the first remedy that comes along without considering its cost or its effectiveness.

What if the proposed legislation were passed and implemented? What would happen? Day care costs will rise—as a result of the burdens of the new screening requirements. And maybe, just maybe, a few day care job applicants or employees would be identified as potential or actual perpetrators and would not be allowed to work in a licensed day care setting. What then? Wouldn't those few people simply go find employment in another setting where such screening does not occur? An informal babysitting Co-op? A small, unlicensed child care program? A Boys club? A Girl Scout program? A pediatric ward in a hospital?

If we are serious about wanting to stop sexual abuse, I would urge our lawmakers to drop the fingerprinting and screening proposals. Instead, we should figure out how to:

1. encourage all parents to educate their children about protection against sexual abuse
2. educate parents, child care workers and pediatricians about how to listen or observe children, so that they can detect sexual abuse in its earliest stages, should it occur
3. make available to all parents suggested guidelines for 'quality child care' which would include "what to look for in a person who will or facility which will care for your child"
4. encourage all schools, day care settings and other settings which serve children to provide educational programs for children about sexual abuse prevention
5. Prevent potential perpetrators from becoming perpetrators.

High quality and safe child care for *all* children in our country is essential. Fingerprinting won't get us there. Education of parents and children may

Chairman RANGEL. Thank you.

Chairman Miller?

Chairman MILLER. Thank you, Mr. Chairman.

I would say to Ms. MacFarlane and Dr. Cohn, I believe there are some differences in your statements about child abuse, and I would like to clear them up in my own mind. I just wondered how you might reconcile, for instance, the suggestion, if I hear you correctly, Dr. Cohn, that a good number of children who are subject to sexual abuse are above age 5 and therefore not in a child care setting which belies the reason why we are here. I just wonder what you are saying at this point.

Ms. COHN. As Kee MacFarlane pointed out, this Nation and the entire U.S. Congress has awakened to the problem of sexual abuse and is ready to do something about it and I think that a concern that I have is that our first actions may become our only actions. If those first actions are directed solely at licensed day care centers, we will have missed the boat because most sexual abuse as we know it today occurs in older children. If we are going to do something about the problem, let's not neglect the fact that the bulk of the problem is occurring in the nonpreschool age group.

Chairman MILLER. Ms. MacFarlane?

Ms. MACFARLANE. I am not sure that I could say that. What I could say is that in 1975–76, I used to go around training and telling everybody that the bulk of child sexual abuse occurred between the ages of 12 and 15 because that is what the reporting statistics reflected. Nowadays, the reporting statistics reflect a much younger age range and one of the things I think as at least a barometer, since we don't have one, is try opening a center and hanging out a shingle for a particular problem. It happened with incest cases in San Jose 10 years ago. They hung out a shingle and said, "We offer help for this problem," and they became what people thought was the incest capital of the world because it was the only place saying, "We know what to do with this."

I don't want to get into a debate of whether there is more sexual child abuse in children under the age of 5 or over the age of 5, but I know when you are under the age of 5, you have less ability to tell it. The world is less prepared to believe it.

One of the ways that we are so convinced of what we are convinced of where I work is that we have this new piece of medical equipment which is going to revolutionize child sexual abuse cases in criminal court. It is a machine that I know only two of in California used for this purpose and I don't know of any in the rest of the country. Previously it was used to detect precervical cancer, called a copascope, but it has a magnifying lense in it that magnifies about 50 times under a green light which brings up scarring that can be as old as 10 years old and it contains a Nikon camera so you can take those three-dimensional slides and show them to other doctors and they can say, "Sure, there is a scar, a split, this kind of vascularization."

It is something that in my part of California is turning around defense counsel—they are used to just saying, "She is 3 or 4 years old. Who can believe her?" Now they are looking at tear scars and

I think that kind of advanced technology both in our ability to talk to children and our ability to look at physical findings may surprise the whole world as to how much sexual abuse there is.

If I were a child molester, the population I would go after is under 4 years old because they are the safest, can't talk well and describe it and you have the best chance of getting away with it with that population.

Chairman **MILLER**. I think the evidence may not be as extensive as it first appears of the question of which age group is most victimized in any case. Whether or not the sexual abuse of children occurs in the family or in an out-of-home setting is not a terribly important distinction for those of us in a position to make public policy. Obviously what causes us to be here today is that we are directly involved in the providing of child care service in this country through Federal tax credits and grants and subsidies. When we consider that we expect two-thirds of those entering the work force to be women, that roughly half of the women with children under the age of one are now in the work force, we can expect the number of children to be placed in these settings to continue to grow. What I think this panel is telling us is that we have historically relied on a pretty haphazard system for the care of our children, in many instances made up of the best intentioned people in the country, but people who are low paid, haphazardly regulated, not provided training, even within just the licensed sector.

We offer nothing for those people who set up family day care homes to get even minimal training in child development. Yet, on the other side, we have schools throughout the country that provide people with degrees in child development, but the pay is so low that they are not allowed to work in their field. Maybe what this tragic scandal is pointing out is that no longer can we allow this to be our national system of child care, that it is unacceptable. That is not to suggest that every center is rampant with child molesters, but it is more prevalent than we have understood as Ms. MacFarlane points out. I was here when we started the hotline for abused women at 12 o'clock at night and they have more calls than they can answer.

When Dr. Henry Giarretto opened the center in Santa Clara for families who had experienced incest, that center received calls from States across the country. In many cases, those who called were 50-year-old women for whom the hotline provided the first opportunity they ever had to talk about their experiences. But in child care we encourage a haphazard system of people to take care of what virtually everyone of us has said is our most precious resource, when in fact we do not treat them accordingly.

You are right, I don't think fingerprinting is going to stop the activity. What starts to emerge is that quality weeds out the activity because it doesn't appear that many of the pedophiles spend 12 years in college preparing for work in day care centers or in child care services.

Ms. **MACFARLANE**. Some do.

Chairman **MILLER**. I understand that but what you are suggesting is even far beyond that we had anticipated hearing when we came here this morning, and that is the discussion of organized conspiracies to take advantage, in effect, of lax regulations, lax training, to take advantage of well-meaning people who have opened these centers.

Ms. **MacFarlane**. Opened these centers for those purposes.

Chairman **Miller**. I understand that. None of us would suggest however, that because child abuse occurs all too often in the American family that, therefore, families are dangerous or suspect. It can't be. That is unacceptable.

As this panel sits here, given the combined resources that we make available to this system, we have to ask some very difficult questions about whether or not we want to continue to support this existing child care system. We can regulate the hell out of it and we know what will happen. The unregulated side of the system will continue to operate. Those parents who have some semblance of quality care will now move for economic reasons to a lower level of quality care because it is a little bit cheaper. Somebody will take care of nine children instead of five children, and do it on the cheap.

I think the question is whether we are going to be engaged in negligence by continuing to fund a system that we are now on notice is in very serious trouble across the board because of a lack of commitment to quality. At some point, they used to say during our younger years, if you are not part of the solution, you become part of the problem.

And at this point, the Congress has to start looking inward to determine not that we can solve it simply with Federal law, not to suggest that, but to how long we continue to commit resources without checking on what we are getting. That day has come and gone, thanks to your testimony and unfortunately to the tragic events that so many of these young children have been exposed to. I think that Ms. MacFarlane's testimony is compelling when she is talking about a handful of schools, in one case the McMartin School, because you are still talking about several hundred children in one locale, so we have a three-alarm fire going here.

Ms. **MacFarlane**. There are ongoing investigations that make the McMartin case look small.

Chairman **Miller**. I understand that, and so the question is: How many revelations will it take? Do we need 435 revelations, one per congressional district, before we are immediately sensitized, because there is nothing like having this happen in your district before you will understand the trauma of parents and the children who ask you to do something. But I am afraid that—well, I am worried that we not let this, as you say, be our first and last action and then find out that we are all back here a few years from now proclaiming something else needs to be done.

Thank you.

Chairman **Rangel**. Congresswoman Schroeder.

Mrs. **Schroeder**. Thank you very much.

I want to compliment all three witnesses. I think you have added an awful lot to the scope of our discussions. We are talking about all ages, and we are talking about sexual abuse in family as well as in day care centers. As a working mother myself, I worry that so much of this discussion ends up heaping more guilt upon the working mother, who thinks, "If you only weren't working, this wouldn't happen." I think it is very pertinent to point out that a very large segment of this abuse does go on in the home or with family members. We should all be rolling up our shirt sleeves and trying to figure out how do we stop this type of thing and how do we train children to deal with this?

We need answers to this problem. Perhaps we could ask the television networks to help do training programs for children, Saturday morning television hours. We need to know other things that we could do. Fingerprinting probably doesn't solve it, but it is a concrete suggestion we should investigate.

Another question I have is that when you look at day care on corporate premises where the parents are working, do you find as much abuse, or is it way too early to say?

Ms. CALDWELL. There have been no reported cases of it. There have been very few at this stage reported cases. None of them has been in such a center that I am familiar with. That is a good question.

Mrs. SCHROEDER. The reason I ask that is we have the distinguished members from the Ways and Means Committee here. My feeling is that 99.9 percent of what is wrong with child care is we don't pay child care providers enough to survive. Even though they are wonderful people who love children, they should be fairly compensated.

One of the things I think we should discuss is how to have more of an incentive for corporations to have child care at the work site so that parents can be more involved, stop in during the day, and that type of thing. Do you have any reaction to that?

Ms. CALDWELL. I think it is marvelous, whether actually on the premises or at least partly funded, I feel in terms of adequately funding child care, it has to be a cooperative arrangement between the government, State, local, Federal and what have you, and the parents in the field of business and industry—in general, I personally make no distinction in my own mind between the child care system and the broader educational system. They serve similar purposes, to help children grow and develop and just as we have diversity in the one, we do need diversity in the other.

But we also need a commitment to an absolute minimal level of quality in it. If we could get as many people in the field of industry aware of the importance of child care, I think they would be the best allies we could have, and it actually is happening. More and more are interested, are investigating possibilities of what is called cafeteria benefits, flex time, trying to be more sensitive to the needs of parents, offering subsidies so that parents themselves can select the child care they want.

Mrs. SCHROEDER. But we need those things to be written in the Wall Street Journal and Business Weekly rather than on the style section of the women's pages. My frustration is we keep calling it a woman's problem. It is society's problem and corporate America's problem also.

I worked very hard with young teenagers because of the incest problem when I was with Planned Parenthood in Colorado. One of our biggest problems was when children were being abused in the home, you had no place to put them. If they spoke out, they had to go home again at night, and they often got beat up.

Then it went from a sexual abuse to a physical abuse. I think we as a society haven't dealt with that either. We keep trying to focus on something like fingerprinting rather than confronting parents who are engaging in abuse.

I wanted to ask Ms. Cohn about the statistics involving child abuse. I have been very worried that the Department of Health and Human Services has not published their plans for confronting child abuse statistics in the future. Do you have any information about this?

Ms. COHN. I share your concern. I have here a copy of the most recent American Humane Association report which is their analysis of the reporting statistics for 1982. And they recently came out with a report that analyzes the trends in child abuse reporting for the Nation from the time they began analyzing State reporting data in the early 1970's until the present. These are very valuable documents. They only speak to the number of reported cases of child abuse for most of the States; they don't tell us about the true incidence of child abuse; they miss a lot of the kind of cases, as Kee MacFarlane mentioned. But they do give us a good sense of what is being reported to public agencies and how cases are being handled, what proportion of cases are being substantiated, where those reports are coming from, what kind of treatment services those families are getting, how many cases go to court, what are the ages of children and so on.

I think that it would be terribly irresponsible at this point in time for the Federal Government to stop funding a national compilation of these kinds of statistics. Each State does gather its own set of information. To be able to pull it together on a national level is of great value for all of us. There is nobody else but the Federal Government at this point in time with the capability of funding this kind of study, so I am very distressed that this study may come to an end.

Mrs. SCHROEDER. I hope everybody can help us focus Health and Human Service's attention on this. Their response has been, "We are going to open it up for bidding." That is fine, but why don't they publish the criteria for the bids? It appears that child abuse and neglect data collection are going to fall through the cracks, and we are going to lose that reporting. We, as Federal legislators, need that data to know the dimensions of the problem, so people will know that it is not a figment of our imagination, but what the States are reporting.

We need the help of everyone to make sure that we don't lose our national data collection capacity.

Ms. MACFARLANE. They need to be expanded. They are inadequate in their present form. They are, I think, far better than anything we used to have. The idea of cutting out that data collection, to cut out the statistics is to help the problem go away. This problem isn't even reflected totally in those statistics because they don't count crime report statistics. They only count child protection report statistics. There may be more children out there who are reported as sexually abused than exist in this report, because it only comes from one kind of agency.

That should be addressed to the Justice Department and the FBI, who have been exerting it for a long time.

Mrs. **Schroeder**. So if Health and Human Services plans to expand it and put it up for bidding, we think that is fine. However, it is getting very late to do that and it appears that they are just dropping it.

Thank you.

Chairman **Rangel**. Mr. Marriott?

Mr. **Marriott**. This has been a very enlightening panel, and I appreciate all your testimony.

I would like to have you go back to a couple of thoughts that Congressman Miller was trying to get to in this business of a conspiracy and the criminal element in these day care centers or day care provider services. Can you just enlighten us, again maybe everybody, in terms of what evidence there is out there that the criminal element is involved in organizing day care centers basically for the purpose of pornographic activities?

Do we have any concrete information in this area? Do we have any cases that have come forth? We have done a lot of work in the area here of child pornography, and it is out there everywhere, and I think is getting even worse. We are trying to put tougher laws into effect, for example by removing child pornography from the protection of the first amendment.

What information do we have that there might be a criminal element in these day care centers?

Ms. **MacFarlane**. The criminal element exists in the molestation of one child. That is a crime in every State, so there is a criminal element if there is even one person who molests the child. When I was referring to conspiracies——

Mr. **Marriott**. I am referring basically to organized crime.

Ms. **MacFarlane**. I don't like to use that word because I am not sure I understand all that it entails, and it scares me. I don't know exactly what we are dealing with in some of these cases. I can give you a snapshot. I don't know if there is an entity outside that uses schools as procurement places.

I can only basically right now give you the view of children, hundreds and hundreds, not just little children, children who are in their teen years now, well able to articulate their experiences in some preschools, and what they allege is that they were pornographically photographed the entire tenure of their time in preschool, that they have been taken away to other sites, closeby sites like houses and far-away sites, where some of them even allege having been flown in planes and handed over to strangers, children taken to places of business, places of worship, places of commerce, children who can take you to those places, children who don't even know each other and didn't even go to the same school at the same time who can take you to those places, children who describe swapping of children with other schools, schools that perhaps allegedly put children in one school's playground, shared them from the other school nearby, while the children who should have been at that school were elsewhere.

This sounds like procurement. In the cases I have been involved in, children didn't see money pass hands, but I know of other cases where they are describing that. Cases now in other States where people have moved from the area, I am talking about around Los Angeles to other States, one of those cases I was alerted to by an aide of a Congressman that I came to testify in front of several months ago. His aide put me in touch with his brother in another State whose children had allegedly been molested in a preschool. I talked to him on the phone.

The children in his preschool, that man just learned a little nursery rhyme which the children in one of the cases investigated are singing, and I have never heard it before. and it is a pornography rhyme, and he told me this from Nevada. I said, "Where did you hear that? Did you read it in the newspaper?" He said, "No, I learned it from my 4 year old."

The perpetrators in that case have moved from the area. I don't know how this fits together nor does the FBI. They are trying to help us, but they are limited by not being officially involved until you find a photograph that went across a State line. We need them to find these photographs, not to come into the case after they find them.

That is the best I can give you, but it has come in the mouths of so many children is the reason that it is being taken very seriously and that these cases in court are being indicted and prosecuted as conspiracies.

Mr. **Marriott**. Well, it is extremely scary to me at a time when we have so many parents needing to work and such a tremendous demand for quality day care to think that there is a criminal element out there capitalizing on the situation. It is an alarming situation.

Do any of the other witnesses have comments?

Ms. **Cohn**. I share your deep concern, and I suspect that as we learn more about this, we will find that we have two different kinds of abuse of children that we need to be dealing with in the day care setting and in older ages. I imagine the way one responds to the issue of more organized use of the day care setting to have access to children will be quite different from the way we deal with other kinds of child abuse.

Mr. **Marriott**. In your opinion, what should the legal system be doing to deal with this problem?

Ms. **MacFarlane**. We need 2 weeks to answer that. First of all, it needs to be very, very careful, because I have seen it, in essence, blow half the cases by too quick a response, and I don't think we appreciate that some of the best of our legal communities are no match for what they may be up against.

Second, they have little, if any, training in dealing with preschoolers and most of the—the way I got into this business was not to become a maven of preschool investigation but because so many parents and people called me and said: "The police are terrorizing my children. They are going there and coming out screaming and crying, is there anything you can do" Law enforcement needs to link up with social services and private resources and realize that it is a special skill to speak preschool. It is like visiting another country with another language and culture. You wouldn't take somebody from Poland or Scandinavia and try to get detailed information from them, but they expect to be able to do that with a 3-year-old.

Our criminal justice system, in my opinion, is an absolute travesty when it comes to these cases and is one of the major contributors to trauma to children in this country. I feel as guilty about what the children whom I have convinced to talk, I feel as guilty about what they are about to go through as any of the parents because I am going to have to watch them on witness stands for years, go up against crooks and seven and eight attorneys for weeks at a time, and we are going to lose a lot of them, and we are going to harm a lot of them.

And the only thing good that may come out of it is that it may finally blow into the limelight the abuse of our criminal justice system on child victims in the same way that these cases have blown the need for better and more concern for regulating child care in this country.

Ms. CALDWELL. I would like to comment briefly and maybe pick up on a word that Kee used in a different way, "limelight." Child care has to be brought into the light in this country. It has been in the shadows service. Many parents use these unlicensed family day care workers, it is estimated 70 percent of day care is unlicensed situations. If you don't license it, you act as though it isn't there and don't have to worry about it. I don't know whether schools in their evolution had this problem, but in most of our communities, the elementary school is on a big corner, you see the staff. A lot of child care happens in places where you don't see it much; it is in small homes in neighborhoods that are tucked away in places that visitors don't come and the mayor doesn't come and give the children any sort of proclamation.

I don't know how often Congressmen visit, but one of the most important things that can be done to improve quality in child care is to get this commmunity attitude that this is an important service, we want them right up front, these are our children, these are the most precious and vital years, we want to know about the competency of the people doing the service, make sure the building is safe, we want to involve ourselves in it and our neighbors to know about it.

Somehow if we can get it into the light, where people don't talk about it with shame and guilt, "My child is in child care," it can be a vital support service, and the most important thing toward moving it there is to strive for quality across the board, and I think we need to start that by becoming aware of it and getting it out into the light, bringing it out of the shadows.

Mr. MARRIOTT. Thank you, Mr. Chairman.

Chairman RANGEL. Congressman Guarini.

Mr. GUARINI. Thank you for a most extraordinary experience. I thank you for the expertise and the information that you have brought to the table. I thought at 9:30 this morning that there would be some easy solutions by going through a licensing and fingerprint check and doing some routine police work and probably some training. But I can see what we are really talking about is a very deep-seated social problem that will never completely go away because we are dealing with something that is psychiatric and emotional which has been here for centuries and probably will be here for the rest of humanity. Our job is to find out how we can contain and minimize it and how we can control the problem so that we know that we have done our job in good conscience.

The enormity of the problem and the many faceted solutions that exist have been very revealing. I know we need more training, parent involvement, better law enforcement and adequate regulations, but the education end of it is certainly a most important part.

I would like to commend the Star Ledger of New Jersey, in today's newspaper, for having printed a large article which advised the public about channel 13 in the New York area. Channel 13, beginning tonight, has a five-part series about child sexual abuse. It will be so important for every parent and every child and every doctor and nurse and teacher and everybody working in day care centers and the public at large, to be able to educate themselves as to the real problem and how deep it goes within our society, and where help can be gotten and what we can do about it.

I would strongly recommend that parents in the New York area turn on channel 13 at 8 o'clock tonight. I believe this will be playing on VHF stations throughout the country as well.

I had a lot of questions to ask, but I know that you have been at the table a very long time. There is one little question I want to ask Ms. MacFarlane: I was very impressed by how frustrated you must get in the legal process by having to have teams of lawyers and spend great sums of money on public relations and things of that sort in order to try to do the job that you do in California.

Is the structure wrong? Where should we place the key responsibility, and what kind of a structure should we assume from your experience? Should it be an autonomous group, a private group that does the kind of work that you do? Could you defend yourself against all the suits and have the staff that you need in order to properly function, or should this be a publicly assumed Federal or State function rather than your type of an individual organization?

I am not asking you to testify against yourself, but I am sure you have some comments regarding that.

Ms. **MacFarlane**. I work for an extraordinary kind of private agency that has fallen into this pit of alligators and committed itself to hanging in there no matter what it takes, but it is staggering. I spend most of my time trying to convince my staff to stay with us. I don't think that any private agency can do this job, and I don't think we have done it as well as it should be done, because we are so overwhelmed.

I think that there needs to be someplace, I am not sure where it is, someplace whose mandate is to investigate and coordinate cases in child care settings, alleged sexual abuse which have the potential for multiple victims and multiple perpetrators, because when you see one child, my first child that I ever saw in this situation I said, "Gee, that sounds yucky, where was everybody else?" The child says, "They were all there." I said "What were they doing?" "They were all naked, we were all taking pictures."

When you hear that and you may know, for example, a school goes back 28 years and has an average of 5,200 kids or more, you suddenly look at this one child and she represents possibly 4,000 or 5,000 children. It is staggering, and I don't think child protective agencies for a minute in this country can handle it even though they are the natural place that we look to. They have a hard time dealing with the interfamily cases that they have, and there is a tremendous debate in the country whether they should have out-of-home cases as well. If they do, they shouldn't have these.

Mr. GUARINI. What should the structure be? Should it be under the Department of Education, or should it be under the Attorney General's office?

Ms. MACFARLANE. I think it takes specialized units at the minimum in different places. I think there needs to be a specialized unit in the State licensing places whose purpose is to monitor and investigate these kinds of allegations with people who know what they are about, but I think it takes specialized units in the child abuse agency and specialized units in the police, even if that is one company who has had special training on multiple victim cases in institutional settings.

What it needs is the kind of thing that you get when you get an earthquake in California in a town or when you have an epidemic of illness. You mobilize resources that were not needed before, but they are ready and trained. You put them together in what may be an ad hoc superstructure to attack a problem that takes quick, intensive time and services.

Mr. GUARINI. Well, should it be a pinpointed responsibility, or should it be a consortium of different agencies bearing down on the problem, which may become overlapping and duplicative?

Ms. MACFARLANE. I have the feeling because I have worked with many different communities. I am not sure it should be mandated as to which agency on a Federal level. I think the mandate should be that there be a lead designated agency whose role it is to coordinate. In some cases, it will need the Attorney General's office, but it will go across counties because you have police forces used to dealing with drunk drivers, and suddenly they are dealing with huge numbers of cases.

In other places, it may not be law enforcement, it may be in the private sector.

Mr. GUARINI. My profound thanks.

Chairman RANGEL. Congressman Anthony.

Mr. ANTHONY. Thank you, Mr. Chairman.

I have two comments, and then I would like to ask a question that shouldn't take much more than a yes or no, or select from the choices that I give.

No. 1, I didn't try cases that dealt with multiple child abusers, but over a 10-year span, I did try or had the opportunity to investigate many cases. Not many of them actually went to trial because of the trauma that you talked about. I admit that if we are going to solve the problem, we will have to involve the criminal justice system in it, or we are not going to have an answer to the problem.

To my friend from Colorado, the enemy might not be the State governments and the local governments. We have other committees holding hearings today. The Social Security Subcommittee and the Select Revenue Subcommittee of the Ways and Means Committee are holding hearings today and tomorrow on how to address the growing problems with tax expenditures, and two of the largest tax expenditures that we have are the child care tax credit and the salary reduction plans that include day care services. While we are sitting here talking about the possible need to expand them, we have two other committees talking about how to curb tax expenditures. Let's not forget to look outward. We better look inward for some of the problems that we have.

Ms. MacFarlane. We should all go over there afterwards.

Mr. Anthony. My question: If the Congress were to act to try to do something about the problems that we know exist and we have heard about, would you fine-tune existing programs such as title XX, Head Start, the food program, and our tax laws, or would you encourage the Congress to try to pass comprehensive child care legislation?

Ms. Caldwell. That is a big question.

Mr. Anthony. It is a big question, and really, without going into all of the aspects, I am just curious as to your own personal feeling which we would be better off doing, taking a look at those existing laws and trying to fine-tune them, or should we just go back to square one and try to pass comprehensive child care legislation.

It is more of a matter of legislative technique than anything else. You are the pros, you have grown up in the industry, you know what we probably can get away with in the industry, and I would just like for you to quickly say which would be your preference, your preferred approach.

Ms. Caldwell. You know, once in 1971 we passed a Comprehensive Child Development Act which was vetoed, and that would not have provided enough funding for it, but there is much to commend a comprehensive act that would cover the service. That is really hard for me to answer right off the top of my head. It seems to me that would be better, but maybe if I gave it more thought—but certainly in lieu of it, fine tuning of all the others.

They all bear upon it, upon the issues that we are talking about, and they all need to be looked at from the standpoint of it. But I think my first reaction—I might reconsider it—would be a comprehensive child care legislation.

Ms. Cohn. I guess my primary concern would be what is going to produce the highest quality system, and I think in some ways you as lawmakers have a better sense of what fine tuning of the law is going to make that happen. I think what we can help you do is define what quality would be.

Ms. Caldwell. We have done that.

Mr. Anthony. Anybody else?

Mrs. Schroeder. Doesn't it depend on what you are going to put in the comprehensive bill?

Mr. Anthony. I am sure that would. That obviously would be the critical factor as to whether or not you have got the quality in it, and I assume that if you had a comprehensive piece of legislation you would probably go back and pick up all of the bits and pieces that are floating around in the different laws at the present time, try to bring them together, so that maybe it would be easier to address them all under one topic, one heading, than piecemeal.

Ms. Caldwell. If we have such an act, let's put the word "quality" in it, comprehensive quality.

Mrs. Schroeder. If quality is not in it, we can't sell it to the public to pay for it.

Ms. Cohn. Just a comment, just to reflect on the fact that there certainly have been efforts along this line numerous times during the past decade that have been fraught with problems, and have been met with tremendous resistance. We may be in a much different time and position right now. This is a time when the cover story of Newsweek deals with day care and the same is true of many other magazines and newspapers, so it may be a time when a comprehensive bill stands a good chance of passing, and may thus become the best vehicle for getting the kind of quality care we think should be out there.

Mrs. SCHROEDER. Thank you very much, Mr. Chairman. I yield back to the Chair.

Chairman RANGEL. Mr. Marriott.

Mr. MARRIOTT. Mr. Chairman, the staff has asked for clarification of some of Ms. MacFarlane's testimony. I wonder if you would just answer this question: During your testimony you spoke of beefing up security, both with security guards and security systems. Have you had a break-in? If not, who do you believe will break in, and does this support the network theory?

Ms. MACFARLANE. Those are the questions that are difficult to ask while I am under litigation in this case, and under subpoena, and I think I would probably be advised not to answer anything that specific, that I may have to testify to later.

Chairman RANGEL. You can check with your attorney and if they give you permission the record will remain open.

Ms. MACFARLANE. Let me just say even before there was any direct reason, even when it was only anticipatory, the county of Manhattan Beach provided us with security, simply because we were working both days every weekend with young children in there, and we are a very high publicity place.

Chairman RANGEL. Thank you very much. Congressman Guarini.

Mr. GUARINI. While we have this outstanding panel at bat, I would like to ask a question. The chairman and I have been very interested in drugs and narcotics in America. We know there are $80 to $100 billion worth of drugs that are sold on the street every year. I am just wondering in your experience, although even without drugs a big problem exists—how frequently have you come into the drug situation where narcotics and illicit drugs have played a role in what is occurring?

Ms. MACFARLANE. Again I have to talk about allegations, but I would say in the cases that I mentioned, allegations involving drugs exist in about half of those cases, various kinds of drugs, drugs that the adults are alleged to have taken, and drugs which were administered to children in various forms.

Mr. GUARINI. Is that the experience of the rest of the panel? That is a very high percentage.

Ms. COHN. If you look at the national reporting statistics and other studies that have been done in the field of child abuse in general, numbers like 30 percent, 35 percent are not uncommon for the percentage of families or groups of perpetrators in which you find alcoholism and drug abuse to be implicated.

Ms. CALDWELL. No. You understand I am here representing the profession and the parents' quest for quality in all of this, and I have had literally no experience with the kinds of cases, and I think it is worth repeating that there are many people in child care, many centers that have never had a case, and that there has never been a staff member under suspicion.

I would like to call everybody's attention to one word that Ms. MacFarlane just used, allegations. A lot of people's lives are being affected by this, and a lot of hysterical charges are being levied, and a statement to the effect that there may be a criminal conspiracy in professional child care, while I think we have to be alert to the possibility, I think we also have to have certain restraint in saying such things, because I see this big side that represents millions of more cases, I would like to remind us of that, of people who are trying to do a good job, who love little children, who are trying to do the best that they can under extremely difficult circumstances and low compensation. So when you ask me if I have seen any of that, I would have to say no.

I can make a very bad joke. Nobody that I know working in child care could afford drugs. The salaries are low, and, again, most of the people there have chosen this work because they are nurturing individuals who like to help and like to be with little children, and we need this kind of person.

Many of the ones there, however, are there perhaps because they could not get another job, and therefore they took a low-paying job, and so on. We need, clearly, to implement such things as this, NAYC plan for quality. We need to educate parents to the importance of it, so that they will then be less willing to enroll their children in a program that does not offer quality, and this is the kind of thing that, in the long run, will both help this generation and will help us raise children that do not have these character flaws after they become adults, and we cannot afford to lose this.

Mr. GUARINI. Dr. Caldwell, I want it to be very clear that our committees here certainly hold in high esteem many of the good, well-meaning people that are involved in the day care and child care programs throughout our Nation. But we don't want to throw out the child with the bath water.

Ms. CALDWELL. No.

Mr. GUARINI. And we certainly want to be able to weed out the problems that we have, and that is the purpose for which we are here. But we are not at all condemning the valiant efforts that are made by so many dedicated and committed people in the day care and youth programs.

Ms. CALDWELL. I just wanted to get it back in.

Mr. GUARINI. OK, you got it.

Chairman RANGEL. On the contrary, I think that the committee would like to laud the efforts of these dedicated people for doing what in many cases is a very thankless job for very low pay. We do have a problem because of the broad scope of the problem that we face in dealing with this, but I would just like to point out to Dr. Cohn, Ms. Cohn, that under title XX, since 1979 the Federal assistance to social service programs to the States has been roughly $3 billion a year.

In addition to that, it has been close to $1.5 billion as relates to tax credit for child care, and the legislation that is pending as a result of the limelight that these atrocities have brought all contain some type of minimum standard in terms of screening. And I guess all of the authors of this legislation and the committees have recognized that this is not a solution to the problem.

But I gather from your extensive testimony that you are suggesting that screening would only cause these people to go into other areas where they would be exposed to children, and that we should drop entirely the idea of screening and fingerprinting, and concentrate on education?

Ms. COHN. Just to clear things up for the record, I am not opposed to fingerprinting per se, but I don't think it is the answer to the problem. If we want to solve the problem, we need an entire package that will improve what goes on in a day care setting. If it includes fingerprinting because others feel that is essential, that is fine, but I don't think, personally, it is going to do anything to prevent sexual abuse.

Mr. GUARINI. I gather that this conference that you were attending in Montreal, that the people whose testimony you introduced supported your statement?

Ms. COHN. That is right.

Mr. GUARINI. To say that if we were serious about wanting to stop sexual abuse, that you would urge our lawmakers, "to drop the fingerprinting and screening proposals" and so——

Ms. COHN. And put our efforts and emphasis elsewhere.

Chairman RANGEL. On education.

Ms. CALDWELL. Could I just mention briefly that in this NAYC center accreditation program we have put as one of our criteria of quality a probation area of initial employment for all workers. This would mean that there would be an opportunity for parents as well as supervisory staff to note the quality of the person's performance, whether there is any suspicious behavior that involves wanting to take a group of children——

Chairman RANGEL. Would you support dropping all screening of Federal minimum standards?

Ms. CALDWELL. Oh, no, I am not saying that. I am just saying that in addition to what you would get in our accreditation plan——

Chairman RANGEL. But the consensus is that we do have a responsibility where Federal funds are being used?

Ms. CALDWELL. Yes.

Chairman RANGEL. And while it is certainly not a solution to the broad problems that are out there, I am convinced that the Congress will be passing some legislation that, even if it deters the perpetrators from day care centers and allows them to go someplace else, that we are still going to feel that where that taxpayer's dollar is that we are going to have to be in a position to state that we tried at least to do something to protect the children, and to that extent we hope that you feel free to make whatever contributions.

Notwithstanding the fact that you don't believe that this is a viable tool in the overall problem, we still would need your help, since I am convinced it is going to happen, that we are going to have some form of screening and some minimum standards as to what the local and State governments will have to do, if they are relying on the Federal dollar for their day care programs.

Mr. GUARINI. Mr. Chairman, while we are getting down to the basic root problem of a change in society and single-parent families, which is now prevalent, and women going to work, where years ago most women would be taking care of the children and watching more carefully the children, we are in a metamorphosis in our whole social structure. I just want to throw one idea out.

You know we have young people that are practicing loop shots and basketball all day long on a court, and we have people trying to perfect their tennis game in high school. Have there ever been courses on parenting—how to be a parent, the duty and responsibility of having children—so that in our school system we can teach people the problems and responsibilities of being a parent, and therefore have a better family structure in our society?

Ms. COHN. There has been quite a mushrooming of those kinds of programs, in elementary schools, junior high schools and in high schools during the last several years, and many of them are being put in place as part of more general efforts to prevent all types of child abuse.

There is a program in northern Alabama that works in the elementary schools, that teaches young children a lot of basic skills about taking care of each other, socializing, how to relate to adults, and what it means to in fact have children around. There is a program in upper New York State that covers the entire school system called EPIC that does that same kind of thing. Those are two examples of what is beginning to happen.

Mr. GUARINI. I hope our Nation becomes aware of the social problems and that we find solutions to problems that are very basic and fundamental.

Chairman MILLER. Will the gentleman yield on that point?

Are you talking about the Child Development Association [CDA]?

Ms. CALDWELL. CDA, Child Development Associates.

Chairman MILLER. Associates. They run a program for training and education of both parents and providers, is that correct?

Ms. CALDWELL. The training program is for people who work in child care programs, who have not gone through the traditional educational routes, who have the opportunity to develop, to have experience and develop competences on the job, and it is individualized kind of training program that allows them to bid on these competences, and get additional training and help that they need.

Chairman MILLER. My understanding was that this administration is considering cutting off funding for that training.

Ms. CALDWELL. Yes; that is my understanding, also, and that has been a very big help to the improvement of quality in child care.

Chairman MILLER. Do you know whether or not that is going to happen?

Ms. CALDWELL. Well, from the best I know, that it is supposed to be terminated. It is supposed to have its funding terminated after 1 more year.

Chairman MILLER. This is the only national program——

Ms. CALDWELL. The end of this year.

Chairman MILLER. This is the only national program we have, though.

Ms. CALDWELL. Yes.

Chairman MILLER. That is directed to upgrading the skills of child care providers, I think even including family——

Ms. CALDWELL. There is one for family and one for people who work with infants as well as people who work with——

Chairman **Miller**. In response to Mr. Guarini and the concern of other members of this panel, then, it is not that we need initiate new programs. We have some that are limping along. But now in this particular case, it is my understanding there are negotiations to terminate the funding.

Ms. **Caldwell**. That is true, but he is talking about a different kind of training. He is talking about training young people who are not yet parents, in skills and responsibilities, and we need both of these. The Child Development Associate Program has been one of the major supports for improving the training of care-givers in child care, there is no question about it. It desperately needs to be funded.

Chairman **Miller**. I would hope that the staffs of the Ways and Means Committee and our select committee would find out at what stage these negotiations are, because I think it would be incredible, in light——

Ms. **Caldwell**. Yes.

Chairman **Miller** [continuing]. Of the events that have brought us here this morning that, on the one hand, we find that the Congress is correctly concerned and outraged. On the other hand, we find out that there are administrative actions being taken to lessen the opportunity for people to improve their skills——

Ms. **Caldwell**. Yes.

Chairman **Miller** [continuing]. And to deny the access to the kinds of people and activities that we are concerned about.

Chairman **Rangel**. If the gentleman would yield. The concerns of the Congress have always been in conflict with the concerns of the administration. The administration does not see this as a Federal problem. It is a problem for local and State governments, and if local governments believe that child care is a priority, they would raise the taxes and take care of it. Meanwhile we will take care of the national defense, so that it just seems to me that there is a sharp conflict in terms of what this administration believes national government and national responsibilities are. That is the main reason why the block grant concept has been consistently supported, and the amounts of money, of course, reduced, and so if you want to use it for alcohol you use it. If you want to use it for something else, you use it. And so that is one reason, Ms. Cohn, that we are concerned, that if we are going to raise the taxes and give any type of assistance, we should be able to have some obligation to the taxpayers, where this philosophy of this administration is diametrically opposed to that.

It wouldn't surprise me if all of your boards of directors didn't support the President at the same time supporting your ideas as to what we should be doing with the children.

Mrs. **Schroeder**. If the gentleman would yield for 1 more minute. We are in a situation where the administration is trying to cut child abuse statistics, the training which we think we need, and is attempting to close down the child welfare resource regional centers. I think the gentleman from New Jersey made a good point about training young people about parenting, and I just wanted to add one point here. We did have comprehensive hearings on fatherhood in the select committee. One of the things that came out of the hearing is that we are not going to deal with a lot of these problems in society until we start talking to men about being the fathers they wish they had, rather than the man someone told them to be. And until we deal with that we are still not getting to the root cause. The problem with so many parenting classes is that they are for women only, and they haven't been expanded to include men. Our witness said that the emphasis on fatherhood should be at all levels of society. Children are not just a woman's problem, but a challenge to both parents.

Thank you.

Chairman RANGEL. Let me thank this entire panel. It has gone far beyond the time that has been allocated, because of the interest that the members had, and certainly the expertise of the panel, and so we thank you for coming.

I would like to point out that the Chair has checked with Chairman Miller and the rest of the members, and we have decided to continue the hearing straight through the lunch period. At the same time I emphasize that because of the time that has been given to the first panel to cover a very broad area of concern, we hope that the other witnesses will restrict their testimony to that area that had not been covered by the first panel, with the understanding that the entire statements that they have to offer will be entered into the record.

The second panel, Director Gail Manning of the Father English Community Center, from Paterson, NJ; Diane Adams, the acting director of the Community Coordinated Child Care, Madison, WI; Carole Rogin, the executive director of the National Association for Child Care Management.

Ms. Manning, you may proceed.

STATEMENT OF GAIL MANNING, DIRECTOR, FATHER ENGLISH COMMUNITY CENTER, PATERSON, NJ

Ms. MANNING. My name is Gail Manning, and I am a worker in the vineyards of child care. Therefore I am very, very grateful and appreciative of the opportunity to speak before this revered committee.

My deepest appreciation, of course, has to go to Congressman Frank Guarini, who is a very respected leader in the State of New Jersey and who has shown my agency confidence over the years, and for recommending me to speak today.

I also have to express gratitude for the leadership of Congressman Robert Roe of my home county of Passaic County, whose pending child survival bill legislation still remains in Congress.

My position is executive director of a multipurpose community center in the urban area of Paterson, NJ. I oversee social service programs for all family age groups. One of our major thrusts, however, is child care programs. Thirty-eight staff people are child care givers under my jurisdiction.

I am privileged to direct a community center which is an ideal setting for day care and after-school child care programs, because as Ms. Caldwell said, child care needs to come into the light, and a community center is that place where it can be in the light. We have over 250 eyes and ears, many more than a small family day care setting.

We have 80 children enrolled in a preschool day care facility, El Mundo del Nino—A Child's World—with funding provided under the provisions of title XX of the Social Security Act, funded through the Division of Youth and Family Services of the New Jersey State Department of Human Services.

I have taken the liberty of enclosing a brochure in my written testimony so that you would become familiar with the many services we offer.

Our particular Child's World is located in a unique setting, a renovated St. Boniface Church in downtown Paterson, made available by our bishop. The facility was very carefully and specifically designed with open classrooms, with administrative offices in a slightly elevated alcove, which was formerly the altar, so that the director/head teacher has full view of the day care center and its activities at all times.

It is our policy to have two adult teachers with each group of children at all times.

The Father English Multi-Purpose Community Center also provides after-school child care for children ages 6 to 13 for 170 youngsters daily, from 3:30 p.m. to 8 o'clock in the evening. These children would be Paterson's "latch-key" children, potential victims in problem neighborhoods.

In addition, it is my duty to oversee Youth Haven, a crisis shelter for homeless and runaway youth which services more than 300 youth each year in a 6-bed facility 7 days per week.

The outrages visited upon children enrolled in funded day care centers which have been exposed recently and which prompted these hearings are indicative of the misplaced values in American society today. In a country which has spiralling statistics of teenage pregnancies, children having children, there are few parent preparation programs or early intervention programs. The impact of working mothers is felt everywhere, in schools, churches, volunteer agencies, day care community as well as in the private sector. Parents feel powerless as they become involved in the process of providing for the family needs because of the many obstacles in their paths in the area of jobs, housing needs, family problems, nutrition, and the like.

Sixty-nine percent of Paterson's enrolled day care participants are children from single female head of households, and the vulnerable child, the weakest of society's members, is at the mercy of economics, politics, and institutional bureaucracies, which appears to have no plans in the day care philosophy for ensuring the child's growth, development, and safety.

Acting now to carefully plan for America's children should be our Nation's priority. Reacting to the abhorrent behavior of a few persons can be the catalyst for setting policy, but this emotional reaction must be tempered by rational, wise, and forceful action and process planning.

After the emotionalism of the child sexual abuse scandal subsides, it is our hope that a national policy for child care with individual State input be developed. We would like the following 14 guidelines to be included:

Local level monitoring.

Community control and education.

Mandated parent involvement. This is an important feature of the Federal Head Start Program.

Board accountability by day care center trustees, not only in fiscal and administrative matters, but in personnel, program, and security policies.

More inspections by the State licensing agency. Currently New Jersey provides one visit per year on licensing standards, but licenses are granted on 3-year periods.

Parents must understand that they bear responsibility for and of their children, which we in day care will share with them mutually and fairly. They must realize that open visitation to their child care center is their right as well as their responsibility.

Parent effectiveness training program. This must be begun in the last years of elementary school programs, because of the tremendous number of teenage parents. I am sure this problem exists throughout the Nation, and if we cannot stop parenting by these children, we have an obligation to start preparing them for parenthood problems.

Guidelines must be established for paraprofessional training and certification in our institutions of higher learning. The development of the child development associate position, a part of the career ladders for child care workers, would upgrade the status of the workers in the child care vineyard.

Adequate salaries. The entry-level child care worker in my community earns $8,000 a year, certified as a child care giver, with group teacher certification. Entry level elementary or early education teachers begin at $14,000. That is woefully unjust and inadequate. To paraphrase Flip Wilson, what you pay is what you get.

Fiscal adjustments. One of the reasons for low wages paid are because of the level of service fiscal requirements affecting per unit costs for each child by the Division of Youth and Family Services.

As an aside, in its budgetary procedure the State of New Jersey identifies children as units nomenclature. This appears to be quite cold and impersonal, as is the low cost of care placed on the child care provider.

The development of parental pride. Installation of pride and life skills in the responsibilities of the parents of those children in day care centers, feeling powerless because of their social status, their health or educational deficiencies.

Licensing. We believe that all child care centers, including those sponsored by religious organizations, be required to comply with local and State regulations pertaining to life and safety. Funds should be provided, however, to allow the dedicated organizations to make necessary capital improvements to meet the life and safety requirements. This is one of the major reasons for church-sponsored day care, and their objections to licensing standards.

Strict screening of applicants for all career opportunities involving children. I do not want child care workers set aside. By this the people that I have asked input from would require that all teachers, recreation workers, counselors, youth workers, bus drivers, maintenance personnel, administrators, and kitchen workers who work in child care programs, school districts, public and private recreation and community programs, residential centers, and crisis intervention programs, meet strict screening requirements.

Constant personnel review. More stringent policies for processing incoming employees as well as periodic review of the backgrounds of current employees, to assure that no problems may have developed since their initial work period.

In the field of horse racing, or the game of golf, handicaps are given. We also believe that in the formula derived for the distribution of Federal funds, whether it be by title XX, social security block grant, or community development block grant, communities with larger numbers of low income poor children requiring child care services should be considered as having a handicap and receive additional financial consideration.

Mayor Frank Graves, who is also a State senator in New Jersey, of the city of Paterson, and a great supporter of day care, also supports this theory.

In finality, it is my recommendation that States be encouraged to give higher priorities to child care problems. In the Garden State of New Jersey, special funds are raised to protect wildlife. There is no fund for child abuse prevention. There should be one through volunteer State tax donations by citizens. To this date, no such program is in effect for those who would want to give to a program to protect child life, America's most valuable resource. New Jersey, I believe, supplies more money to prevent tomato blight than State funding for the protection of children.

Thank you, gentlemen.

[The prepared statement follows:]

STATEMENT OF GAIL MANNING, DIRECTOR, FATHER ENGLISH COMMUNITY CENTER, PATERSON, NJ

I wish to express appreciation for the invitation extended to me to appear at this committee hearing on the problem of sexual child abuse. My deepest appreciation must go to Congressman Frank J. Guarini (D, 14th New Jersey), indeed a leader in the State of New Jersey for all worthy causes, for the confidence that he has shown to my agency over the years, and for his recommendation of my appearance here today.

I also must express thanks for the leadership in my home county of Passaic, for Congressman Robert Roe, whose Child Survival Bill legislation was discussed at length at the Child Abuse Conference held a few months ago at William Paterson College.

My position is that of director of a multi-purpose community center which oversees social service programs for all family age groups. One of our major thrusts, however, is in the area of child care. We have 80 children in a pre-school day care facility, El Mundo del Nino (A Child's World), with funding provided under the provisions of Title XX of the Social Security Act, which is funded through the Division of Youth and Family Service of the New Jersey State Department of Human Services.

Our Child's World is in the renovated St. Bonifice Church, which was made available for our use by Bishop Frank J. Rodimer when the church was phased out for religious purposes.

This facility was very carefully and specifically designed with open classrooms, with the administrative offices in a slightly elevated alcove, which was formerly the altar of the church, where she has full view of the functions of the day care center at all times. This constant surveillance goes on while children are at play, or napping, or having their lunch.

It is our policy to have two adult teachers with each group of children. Our child care teachers are trained to observe and report any physical or other conditions that are suspicious.

The Father English Multi-Purpose Community Center provides after-school care for children ages 6 to 13 for approximately 170 youngsters, who are in our center daily from 3:00 p.m. to 7:30 p.m., where they are exposed to a schedule of educational, tutorial, recreational, nutritional, and cultural enrichment programs. These children would be Paterson's latch-key children, potential victims in problem neighborhoods.

In addition, it is my duty to oversee Youth Haven, a Crisis Shelter for Homeless and Runaway Youth, which services more than 300 children each year in a six-bed facility, 7 days per week.

There are 38 employees under my jurisdiction in child care and youth programs.

At the outset I would like to express to you the appreciation of officials of the City of Paterson and Passaic County for the invitation extended to me. Input has been received from Freeholder Gregory Komeshok, Community Service Chairperson, Passaic County Board of Chosen Freeholders; Paterson Mayor-New Jersey State Senator Frank X. Graves; Florence Williams, director of the Passaic County Child Care Coordinating Agency; Dr. Mary Garner, director of the Paterson Department of Human Resources, and others.

The outrages visited upon children enrolled in funded day care centers which have been exposed recently and which prompted these hearings are indicative of the misplaced values in American society today.

In a country which has spiraling statistics of teen-age pregnancies—children having children—there are few parent preparation programs or early intervention programs.

Sixty-nine percent of Paterson's enrolled day care participants are children from single female headed households.

The impact of working mothers is being felt everywhere, in schools, churches, volunteer agencies, day care community, as well as in the private sector.

The vulnerable child, the weakest of our society's members, is at the mercy of economics, politics, and institutional bureaucracy, which appears to have no plans in the day care philosophy for insuring the child's growth, development and safety.

Parents feel powerless as well, as they become involved in the process of providing for the family needs because of the many obstacles in their paths in the area of jobs, housing needs, family problems and the like.

Acting now to carefully plan for America's children should be our nation's priority. Reacting to the abhorrent behavior of a few persons can be the catalyst for setting policy, but this emotional reaction must be tempered in rational, wise and forceful action and process planning.

After the emotionalism of the child sexual abuse scandal subsides, a national policy must be developed, including guidelines which call for the following:

1. *Local level monitoring.*
2. *Community control.*
3. *Mandated parent involvement.* This is an important feature of the federal Head Start Program.
4. *Board accountability by day care center trustees,* not only in fiscal and administrative matters, but in personnel, program, and security policies.
5. *More prevalent inspection by the State licensing agency.* Currently New Jersey provides one visit per year on licensing standards because of understaffing. Licenses are now provided for a three-year period.
6. *Parent education.* Parents must understand that they bear responsibility for and of their children which can be shared with day care providers mutually and fairly.
7. *Parent effectiveness training programming,* in this area must start in the last years of elementary school programs because of the tremendous number of teen-age parents who are bearing children when they are as young as 12 and 13 years of age in almost every county in the State of New Jersey. I am sure this problem exists throughout the nation. If we cannot stop parenting by these children, we have an obligation to start preparing them for parenthood problems.
8. *Definite guidelines must be established for para-professional training and certification in our institutions of higher learning.* There should be the development of a child development associate position which would be part of the career ladders for child care workers.
9. *Adequate salary.* Entry level child care workers now earn $8,000 per year which is woefully inadequate and results in a less qualified individual applying for these positions. In my community, entry level teachers are paid $14,000 for 181 days a year.

To paraphrase Flip Wilson—what you pay is what you get.

10. *Fiscal adjustment.* The low wages paid are because of level of service fiscal requirements affecting per unit costs for each child by the Division and Youth and Family Services. In its budgetary procedures DYFS identifies the children as units in its nomenclature. This appears to be cold and impersonal.

11. *Development of parental pride.* Additional funding should be provided to develop programs to instill pride, lifeskills and responsibilities in the parents of the children in day care centers. So very often they feel powerless because of their social status, or because of health or educational deficiencies.

12. *Licensing.* We believe that all child care centers, including those sponsored by religious organizations, be required to comply with local and state regulations pertaining to fire, health, and safety regulations. Some funds should be provided to allow the dedicated organizations to make necessary capital improvements to meet safety requirements.

13. *Strict screening of applicants* for all career opportunities involving children should be mandated. By this we mean all teachers, recreation workers, counsellors, youth workers, bus drivers, maintenance personnel, administrators, and kitchen workers who work in child care programs, or school districts, public and private recreation and community programs, residential centers, and Crisis Intervention Programs.

14. *There must be constant personnel review.* Paterson Director of Human Resources Dr. Mary Garner has asked me to express her view that there be more stringent policies for processing incoming employees as well as a periodic review of the backgrounds of current employees to assure that no problems may have developed since their initial work period.

In the field of horseracing, or the game of golf, handicaps are given. We also believe that in the formula derived for the distribution of federal funds, whether it be by Title XX or Community Block Grant, communities with larger number of low-income poor children requiring child care services should be considered as having a handicap and receive additional financial consideration. Mayor Graves of the City of Paterson supports this theory.

In finality, it is my recommendation that states be encouraged to give higher priorities to child care problems. In the Garden State of New Jersey, special funds are raised to protect wild life. There is no special fund for child abuse prevention. There should be one through volunteer state tax donations by citizens. To this date, no such program is in effect for those who would want to give to a program to Protect Child Life—truly America's most valuable resource. New Jersey, I believe supplies more money to prevent tomato blight than state funding for the protection of children. I am told that other states have priorities for the protection of cattle or crops or waterways at higher ratios than are given to our children.

Chairman **MILLER**. Ms. Adams?

STATEMENT OF DIANE ADAMS, ACTING DIRECTOR, COMMUNITY COORDINATED CHILD CARE (4-C'S), MADISON, WI

Ms. **ADAMS**. My name is Diane Adams, acting director of 4-C, Community Coordinated Child Care in Madison, WI.

We are one of those few informational agencies in the country that serve to inform parents about child care in the communities. We talk to hundreds of parents every year. We also coordinate child care programs in our community.

I personally consult with most of the people who want to start day care in our community, business, hospitals, private entrepreneurs, everybody whoever thought they might want to run a business and might consider child care.

We also inform the public and policymakers about child care and about needs and services and advocate for change.

I am going to limit my remarks to just some highlights from my written testimony. I am really pleased to testify before both of you on this topic but I am distressed that you have to hold this hearing.

There is at the moment so much public outcry and moral outrage at the specter of child care personnel who may take money from parents and then abuse the children in their case.

More than 10 million children in the country are in some form of child care. Their parents and their employers count on that care. This latest attack on child care as a support system for parents, a necessary public good for the economy, and a child development to children comes at a time when more day care than ever before is used.

As you hear many times during the day, child abuse takes place most frequently in children's families. Perhaps the greatest irony is that both State and Federal policies for child care have ignored the potential for the problem to occur in the child care setting as well.

If, as Galinsky and Hooks wrote in 1977, child care is the new extended family, it might not be surprising that there would be some individuals who use the family-like setting of day care to exploit children, but that number is very small and there is ample evidence that day care is not "the problem."

We have to recognize that more often than not day care has been used as the solution to the problem of child abuse.

Under goal 3(a) of the social services block grant, child care may be purchased for families who abuse and neglect their children without regard to income.

Social services departments throughout the country have placed children in day care with great effect for those families who out of frustration and anger, lack of financial resources, stress, and inability to cope as adult parents, abuse their children, so day care has been seen as a therapeutic solution; but now day care does not appear to be immune to the problem of child abuse.

During the past 5 years a few instances of child abuse have documented in day care. They have been alleged to occur in a variety of child care settings and this is what I would like to stress to you.

One, it has happened in a licensed regularly inspected proprietary full day center.

Two, with an unregulated babysitter who took just one child at a time.

Three, in a formerly licensed family day care home in which the caregiver took 10 or 12 children at a time but always kept them hidden from the view of parents.

Four, in a church-run day care center.

Fifth, in the home of a military-based family day care provider.

Sixth, in a publicly funded nonprofit day care center.

Seventh, in a large national chain day care operated center.

The important thing about this is that we have learned only in the past few years that children are at risk for child abuse in almost any type of family setting, from low income to high income; from unemployed parent families to highly paid professional families.

It has no class or race or income kind of distinction. It is thus not surprising that the few examples of child abuse in day care occur in a variety of settings.

Day care professionals cannot point a finger at parents nor can they turn on each other and say it can't happen here. This is a systemic problem. You are going to hear that a lot today and you also have observed the largest subsidy to day care comes from the subsidy of those who work in it for low wages.

Day care is the only educational system we have that does not receive a general grant in aid to States.

While I am not an expert on child abuse, I have seen a couple of trends in child abuse legislation. As you know, the first child abuse case came about in 1874 in the Mary Ellen case when the social worker couldn't find a law protecting children so she turned to the one protecting animals. Later on medical practitioners were added to the list of people required to report, and ensuing legislation moved to include nurses, teachers and other professionals, and now almost every adult, including a day care worker, is mandated to report child abuse to local agencies.

There is a second trend in this field which has been a move away from the "crime and punishment" arena to a helping philosophy, one which seeks support and treatment for both the abused and the abuser.

Those two trends, mandated reporting and a kind of appropriate healing treatment, are now intersected by the current economic and social conditions which make the demand for day care inexorable.

We cannot turn back the clock and pretend that children are not in out-of-home care. I want to turn to that day care system now and in particular speak about the most prevalent form of care used, family day care.

You will remember that there are three major kinds of day care: The first is in-home care, almost always unregulated; that is, care in the child's own home. About 25 percent of the children are estimated to be cared for in their own home by someone that the parents supervise and bring into that home.

Second, is group or center day care—almost always regulated by State licensing. About 19 percent of the children, according to the latest current population reports, are cared for in day care centers. That is up from the 10 or 15 percent of a few years ago.

These centers are run by a variety of sponsors, from the military complexes, franchises, proprietary nonprofit, churches and so on. There are about 50,000 full-day and part-day centers across the Nation. While they are licensed, many of them are also regulated by local and county regulations.

The third major kind of day care is family day care; that is, care in the provider's home. In many States it is unregulated or exempted from regulations. About 44 percent of the children in day care are in family day care homes, again according to the current population reports. You will hear estimates of 60, 70, 90 percent in family day care, but this is my best guess. It is between 40 and 50 percent.

Fewer than a dozen States have another category called group family day care in which there is a second adult required to be present in the provider's home. So family day care is our biggest system of out of home care. It serves children of all ages, infants through school age, cares for small groups—on the average 3.5 children—and nearly 60 percent of the providers care for at least one relative's child.

There are approximately 1.5 million of these small unregulated providers in the United States. They care for between 3 and 4 million children full time and an almost 2.8 million part time.

You can be both encouraged and discouraged about day care. On the encouraging side, there are about 150 family day care associations that act as professional associations should. They inform their members, try to make people aware of themselves as an integral part of the child care profession.

About 70,000 day care providers participate in the child care food program of the Department of Agriculture, entering into training, menu planning and improved nutrition in their homes. It is one of the most important Federal resources for child care. Family day care is increasingly coming out into the light, as providers sit on 4-C committees and State advisory committees and are paid attention to in public forums on child care.

On the bad news side, we still have very few homes that are licensed or registered by States; nationally about 150,000 out of that 1.5 million.

As I said, some of them are exempted, and I will refer to that later on when we talk about regulations. Regulations will not stop the child abuse problem by themselves, and we have to apply some nonregulatory methods as well, but unregulated providers do not have access to community resources.

They are not easily found by parents looking for day care.

Someone pointed out earlier in the testimony that child care often takes place in church basements. Not very many places have a big sign out front that says "so and so's day care," and that is even more true for family day care.

It looks like an ordinary house, and you don't know who is doing it unless that person is registered with some agency or regulated by the State.

The other thing about unregulated providers is that they don't receive training or any kind of continuing education to keep up with this fast-growing field of early childhood. The sheer number of these homes makes people throw up their hands.

Up to this point there have been no huge demands from parents that there be licensed family day care.

Many parents want it to be low cost and convenient and those are the prime considerations.

Public policies have tended to push family day care to the bottom of all the child care services. First, there is a problem of low pay.

In 1981 a survey of title XX found that subsidized family day care, that is, the group of providers that gets money from the Social Services block grant, receive an average of 66 cents an hour reimbursement, compared to $1 an hour average for center care.

I still know States and counties in which it is not uncommon to reimburse family day care providers caring for title XX children, 50 cents an hour.

In my own county a provider is reimbursed $1.20 an hour, but if you take a second title XX child you get only $1.60 an hour. That second child is only worth 40 cents.

Federal policies have long favored center day care over family day care for subsidized children.

In 1978, 23 percent of the title XX children were in certified family day care homes and 16 percent of the funds were spent there, while 61 percent of the title XX children, and 76 percent of the funds went to day care centers.

You add to that inappropriate State regulations and fragmented standards for family day care, plus a maze of zoning and other inspections and you find that many providers have gone "underground." Plus, there is a lack of community support for what is commonly known as the babysitter, and there are often discordant relationships between centers, particularly proprietary centers who regard unregulated family day care as their greatest competitor.

Let me turn to regulatory issues. There are three basic types of regulation. There is licensing, followed by 29 States, registration followed by 26 States, and approval or certification where care is purchased for subsidized children.

In five States, including New Jersey, the only homes regulated are those serving publicly funded children. I have an attachment to my testimony which lays out the type of regulation and the number of children required to be in care before one has to follow the regulations. In some places it is one child; in others it is two, three, or four children.

Licensing is often the best kept secret in any State, as I think you saw in the example from the Congressman earlier. No one knows about child care regulations. You go down the street and if you asked the first hundred people, "what are the requirements for day care licensing in this State?" few could tell you.

It is very, very hidden, but with the demise of the Federal interagency day care requirements in 1982—and I might remind you after 13 years of controversy—States are being called upon to do this job of regulation.

Each State has a basic floor for protecting children in family day care. It is either licensing or registration, and some States also use that as the purchasing standard for title XX.

I could give you a lot of examples of what I consider hasty and ill-conceived reactions to that withdrawal of Federal day care standards. Suffice it to say the dust isn't settled yet, and almost every day there is a new change propounded, such as the debate between mandatory registration or voluntary registration, or removal of one or two or three children from required regulation.

The second attachment to my testimony shows some of the selected regulations for family day care and the number of States following them.

I want to just point out that there is a lot of variety. You have heard that before, but let me give you a couple of examples. There is the most consistency in the health and immunization requirements, so that 31 States require in family day care that a child's health examination be completed before the child is enrolled—but only 31, not 50. Only 15 States require emergency phone numbers, and of those, only about 7 States require that that be a working telephone.

About 15 States have a regulation that a person or persons convicted of child abuse and neglect could not work in family day care.

I might add also that only four States require that family day care providers know first aid, and I would submit that more children are injured in family day care than are abused in any kind of day care setting.

And almost no State recognizes family day care for what it is; that is, a small business. The income tax possibilities are endless here, and our agency spends a lot of time educating family day care providers about claiming the deductions for family day care as a legitimate home occupation, but few States have done anything to support that in their regulations.

There has been a lot of debate about whether we ought to have regulations at all for this kind of small entity. After all, these are mothers, grandmothers and neighborhood women who may "love children." You could argue that parents ought to just be able to choose from the free market and select their own day care without any interference, but day care is not a perfect market, and you must, as Congresspeople continue to argue that.

Parents must have a variety of child care from which to choose, and they need to be able to choose good family day care as well as good center care, A reminder is in order, you have heard it said before, that half the mothers of kids under three are working. That means infant and toddler care is greatly needed.

The latest guess is that there are about 122,000 slots in this country for infant care in centers. The rest of them are going to be in family day care, and you don't want people having to choose less quality simply because they have an infant or a toddler.

In addition, low income parents and those with neglected or abused children need easily accessible, steady, and reliable child care.

The parental role in regulations has been often denied in traditional licensing, so we need to encourage States and, if there is Federal legislation, to have a type of regulation for family day care that will involve parents actively and promote a great deal of public information.

There are lots of public policy responses and I think that is what you are after today.

I would encourage you, as others have done, to speak out against any simple or quick fix solutions.

To paraphrase H.L. Mencken: "For every day care question there tends to be an answer that is very clear, quite straightforward, and wrong."

A lot of legislative remedies have been proposed, such as fingerprinting and police checks. Some of them may be too costly or ineffective.

The State of Illinois estimated that it would cost them $1.8 million to institute any kind of State enforcement of police checks, and, as you have heard, most child abusers do not already have police records.

The child abuse prevention strategies that are being taught children are helpful and those have been good suggestions, as well as good parent education idea. Probably the best thing about all of that is that it creates a lot of parent/child communication that wasn't going on before.

The families in which parents work all day, pick up the child at day care, have a quick meal at McDonald's and then everybody goes home and nobody talks to each other because they are watching television, have been sort of intervened with a little bit, and now parents and children are talking about their day care experience.

That is probably the best thing that has happened with that.

We must be careful about regulatory remedies because they really have an impact on already stretched enforcement resources.

Just one other word about the fiscal remedies that are being proposed, such as strings attached to title XX and on title XX centers. These may be ineffective.

Only about 15 percent of all children in day care are in programs funded by title XX. Now, there are some concentrations in some of our large cities and some neighborhoods. Those are called title XX centers and almost all of the children there are subsidized, but by and large the few subsidized children are with other children in day care.

In Wisconsin we have moved to a public policy decision which I favor, which is client choice. There are very few contracts with centers and none with homes, and parents choose the kind of day care they want.

These are the working poor parents. We think it is important that they be able to select their own day care from a number of alternatives, so if you limit this kind of effort to just title XX, I think you will be addressing accountability very well, but not making the impact that you ought to.

Just a couple of approaches that I might suggest:

First, before there are Federal day care standards, and I suspect that move is coming, let there be a national examination of the State standards to such an extent that the licensers, the operators of day care, policymakers—including State legislators, since they are the ones who have the most trouble with regulations—should examine State policies.

There is no regulatory nirvana out there. As you can see from the list of what is regulated, it is very skimpy; it is very prone to the mood of the time. What is appropriate in New Jersey might not work in Texas, and you have to respect the State regulations while striving for more national uniformity.

When those standards are developed, I would urge you to not let them be developed only at Harvard or Yale, try to include practitioners in the field who understand the realities of what those ratios will mean.

Second, over the next few years I hope we can begin to use some nonregulatory methods for improving child care. I would submit that if just a fraction of 1 percent of the advertising budgets in this country were mandated to promote PSA's—or public television or commercial television advertisements—about grownups who care about children, and show day care workers, bankers, policemen, and community helpers they would regard all of us with less suspicion. I think we are going to have to offset all the negative things children are hearing with some other kind of publicity.

Training is absolutely critical, especially in family day care. We have learned from the national day care home study that training does make a difference. The care givers who have some awareness of child development do different things with children than those who don't, and that is so simple, and yet we forget that it is really not mandated by very many States.

The information referral, such as our agency does, we think is really critical. I don't know whether the information referral bill is in Congress right now, but I hope it is going to be passed. I hope it will provide sustaining efforts for communities who want to access child care to the parents and inform them, and have them be better consumers of child care.

Last, I would submit that we might develop some different priorities. As you are struggling with this problem, I hasten for you to remind Members of Congress that if we canceled one Bradley fighting vehicle for $1.7 million—and we are going to order 6,900 of those this year—we might be able to afford child care a little better. Even cancelling one of those would help a lot.

In closing, let me say that R.R. Nelson reminded us long ago that day care should be regarded as a fish bowl; that is, easily viewed from all sides by parents, the community, licensers, everyone.

I believe that almost anybody who has good child development training and has business expertise, and knows how to hire good staff, can run a good center, and I admire the skill and expertise, particularly of some of the larger chains in this country because they have a lot to teach us about management. However, in my own community not a single new nonprofit day care center has opened for 3 years. We see only proprietary care open, and traditionally those programs have not been as open to the community and not as open to parents.

The concept of this idea of having perfect information for parents about day care is one we need to really work on: Lots of public information, lots of awareness about elements in child care that ought to be there for parents to see. I would rather we not try to improve the tiny service of day care with a Grenada type military strike force. It is too fragile a service. Let's promote public information requiring that day care homes and centers be highly visible to parents.

One of the finest family day care providers in our State told me in preparation for this testimony that her view of family day care is that of welcoming parents, and she says to all the parents in her care, "Ring the doorbell and then walk right in.

"Now, you ring the doorbell because I want to tell you that this is my home and I also don't want you opening the door on a child, but walk right in, because my home is open to you, and I want you to see what we are doing."

She also gets different groups of parents together so that they can share what they have seen at different times, because the truth is that parents come according to their work schedules to day care, and often don't see the same things.

When you go on a journey, you usually try to choose the destination first. I did a little traveling this summer. I chose my method of travel and the day I wanted to arrive and so on. You work backwards from your destination. The old adage holds if you don't know where you are going, any old road will get you there.

In day care, I think we haven't decided where we want to be, particularly with family day care, nor the kind of regulations we need for it.

I think our goal in regulation is to protect as many children from as many possible risks, and recognize that you can't do it all alone.

The traditional view of licensing has been "we will do it for you," and that has been a false reassurance for parents. We need to come to a consensus about what is important to regulate, and how to do that together.

Day care hasn't received its equitable due, and as several of you have pointed out, suffered budget cuts such that 32 States provide child care to fewer poor children in 1983 than in 1981.

State waiting lists grow while the number of children served drops. In the past 3 years 24 States have cut their training for day care workers. In States like Delaware, the payment for family day care providers is so far below market costs that many of the providers are not willing to care for title XX funded children.

Further, most of the States have suffered shortages in experienced licensing personnel just at a time when they have to do more regulating.

Coping with the problems and possibilities of child sexual abuse in day care as well as in families will not be easy. There is no panacea.

As Bettye Caldwell has pointed out in a recent article, every profession has its malpractice. Unfortunately doctors, lawyers and psychiatrists and sometimes day care workers are among those professionals.

Thank you for trying to address the issue in this forum.

[The prepared statement follows:]

STATEMENT OF DIANE ADAMS, ACTING DIRECTOR, COMMUNITY COORDINATED CHILD CARE (4-C) MADISON, WI

SUMMARY

My name is Diane Adams. I am the Acting Director of 4-C (Community Coordinated Child Care) in Madison, Wisconisn. 4-C is a non profit United Way agency which provides information and referral to parents seeking child care. In that role, we talk with hundreds of parents who enter the child care system each year and offer them printed materials that help them make informed choices about child care. We also help coordinate child care services and offer resources to providers of care, so that the system may be better able to respond to parent and family needs. A third thrust of our agency is that of informing the public and policymakers about child care needs and services—and advocating for changes in public policy as they are needed. For the past 12 years, 4-C has served parents and the community to improve child care in Wisconsin.

In my testimony today I will focus primarily on family day care and its place in the child care service delivery system, and how the current attention being paid to child sexual abuse in day care is perceived by providers and parents. I will pay particular notice to the role of regulations in addressing some of the issues. From a national study of family day care regulations which I conducted in 1982, from an extensive policy study of family day care regulations and public policy at the Bush Institute for Child & Family Policy where I was a Fellow for one year, and from practical experience with hundreds of family day care providers in training classes I will try to bring you some informed conclusions about the nature of family day care and its place in the broader picture of child care. I would like to present a fair and reasoned picture, as devoid of emotionalism as possible—since this is probably one of the most volatile subjects to ever reach this committee.

Thank you for the opportunity to come before you.

STATEMENT

I am pleased to have the opportunity to testify before the Select Committee on the this topic. I am distressed you must hold this hearing. There is at the moment much public outcry and moral outrage at the specter of child care personnel who may take money from parents and then abuse the children in their care. The current media coverage brings day care into new public consciousness. It causes many parents to ask: is nothing safe for our children? The necessary trust between parents and their day care providers is being tested.

More than 100 million children are in some form of child care. Their parents (and their employers) count on that care. This latest attack on child care as a support system for parents, a necessary public good for the economy, and a child development service to children comes at a time when more day care than ever before is used.

As you will hear many times during this day, the abuse of young children occurs most frequently in children's families. Child abuse takes shape along a continuum from harsh words and physical neglect to the extreme of sexual molestation and torture. Perhaps the greatest irony is that both state and federal policies for child care have ignored the potential for the problem to occur in the child care setting, as well as in families. If, as Galinsky and Hooks put it, child care is "the new extended family" (1977) it might not be surprising that there would be some individuals who use the family-like setting of day care to exploit children. But that number is very small and there is ample evidence that day care is not "the problem."

Day care has long been used as the solution to the problem of child abuse in families. Under Goal IIIA of the Social Services Block Grant, child care may be purchased for families who abuse or neglect their children, without regard to income. Social service departments throughout the country use day care with great effect for those families who, out of frustration and anger, lack of financial resources, stress, and inability to cope as adult parents, abuse their children. So day care has been seen as a therapeutic solution.

But now day care does not appear to be immune to the problem of child abuse. During the past five years a few instances of child abuse have been documented in day care—and they have been alleged to occur in a variety of child care settings:

(1) in a licensed, regularly inspected proprietary full-day center;
(2) with an unregulated babysitter, who cared for just one child at a time;
(3) in a formerly licensed family day care home in which the caregiver took 10-12 children at a time and hid them from the view of parents;
(4) in a church-run day care center;
(5) in the home of a military base family day care provider;
(6) in a publicly funded non-profit day care center;
(7) in a large national chain-operated day care center.

We've learned only in the recent past that children are at risk for child abuse in any type of family setting, from low-income to high-income, from unemployed families to highly paid professional families. It is thus not surprising to find that the few examples of child abuse in day care occur in a variety of settings. Day care professionals cannot point a finger at parents, nor can they turn on each other and piously declare: "it can't happen here."

While I am not an expert on child abuse, I see several trends in child abuse legislation. We know that child abuse has been around a very long time: the Mary Ellen Case, the first recorded protective service case, occurred in 1874. The social worker could not find a law protecting Mary Ellen, so she turned to the law protecting animals. Social workers were the first professionals required to report abuse. In 1972, when Congress held hearings on a new mandatory reporting law, it was noted that medical practitioners were among the next group of professionals required to report. The ensuing legislation moved to include nurses, teachers, and other professionals. Now almost every adult—including day care workers—is required to report child abuse to local agencies.

The second trend has been a move away from a "crime and punishment" approach to a helping philosophy—one which seeks support and treatment for both the abused and the abuser. These trends—mandated reporting and appropriate treatment—are now intersected by the current economic and social conditions which make the demand for day care inexorable. We cannot turn back the clock and pretend children are not in out-of-home care. I would like now to turn to that day care system and in particular speak about the most prevalent form used—family day care.

First, let me define the three major kinds of child care used by families.

In-home care, that is, care in the child's own home, is almost always unregulated. About 25% of children are cared for within their own homes.

Center or group day care is almost always regulated by state licensing. Only about 19% of children are cared for in centers—up from the 10-15% found in the early studies of child care usage.

Family day care, that is, care in the provider's home, in many states is unregulated or exempted from regulation. About 44% of all children in day care are in family day care (Current Population Reports, 1982).

Family day care, thus, is the largest system of out-of-home care. It serves children of all ages—infants and toddlers, preschoolers, and school-age children. Providers tend to care for small groups of children (3.5 on the average). Nearly 60% of the providers care for at least one relative's child in addition to the day care children. There are approximately 1.5 million providers who care for between 3 and 4 million children full-time. They also serve another 2.8 million children part-time (National Day Care Home Study, 1982).

One can be both encouraged and discouraged about family day care. On the encouraging side, more than 150 family day care associations at the state and local level act as professional associations should: they inform and support their members and create awareness about the day care profession. Over 70,000 family day care providers participate in the Child Care Food Program—entering into training and menu planning and nutritional improvement in their day care homes. It is one of the most important federal supports to child day care. And family day care is increasingly seen as an integral part of the child care delivery system in communities: providers sit on 4-C committees and state day care committees and participate in public forums about child care.

On the "bad news" side, we still find that only a small number of providers follow the regulatory laws in their states. It may be that in some communities only 10% of the providers are regulated—while in others it is as high as 50%. Unregulated providers do not have access to community resources; they are not easily found by parents seeking day care; they do not receive training or continuing education to keep up with the early childhood field.

The sheer magnitude of the number of homes make them seem "unregulatable" to licensing officials, and there has been no huge demand from parents up to this point that what they have traditionally thought of as low-cost, convenient care be regulated. Public policies have tended to push family day care to the bottom of all child care services. There is a problem of low pay: a 1981 survey of Title XX found that subsidized family day care providers received an average of $.66/hour, compared to $1.00/hour for center care (Report to Congress, 1982). Federal policies have long favored day care centers over family day care homes for care for subsidized children. In 1978 23% of the Title XX children were in certified family day care homes and 16% of the funds were spent there, while 61% of the Title XX children and 76% of the funds went to day care centers (Social Services U.S.A., FY '790). Inappropriate state regulations and fragmented standards for family day care, plus a maze of zoning and other inspections, have caused many providers to go "underground." Add to this the lack of community support for "babysitters" and the often discordant relationships between day care centers and unregulated homes, particularly, and you find a profession that is only beginning to emerge as a legitimate part of day care.

Let me address the current regulatory policies for family day care. I have two attachments to my testimony which may be useful to this Committee. The first is a summary of the different family day care regulations found in states, and the number of children in care before one is supposed to follow the regulations. There are three basic types of regulations: licensing—followed by 29 states, registration—followed by 16 states; and approval or certification where care is purchased for subsidized children. In 5 states the only homes regulated are those serving publicly funded children. And you will notice that some states start with one child, while in others the regulations start with 2, 3, 4 or more children, so that providers serving fewer than these are exempted.

With the demise of the Federal Interagency Day Care Requirements (FIDCR) in 1982, after more than 13 years of controversy, states are being called upon to reexamine their family day care regulations. Each state has a "basic floor" of protection for children in family day care (licensing or registration). Some states also use that as the purchasing standard for Title XX. I could give you many examples of state actions which seem hasty and ill-conceived and other instances of roaring debate over which regulation is best. Suffice it to say, the dust is not settled yet.

The second attachment shows some selected regulations for family day care and the number of states following them. No two state standards are alike and different components are regulated. There is the most consistency in health and immunization requirements, but only 15 states require emergency phone numbers and only 15 states have a regulation about child abuse and neglect convictions as a prohibition against doing family day care.

Among the potential benefits of sound regulations is the ability of the state to close down inappropriate day care. One might argue that "no regulations" is a viable option—that is, just let parents and the free market regulate day care. But day care is not a perfect market, and parents who need child care must have reliable community day care from which to choose. In addition, low-income parents and parents of abused and neglected children need easily accessible child care. This does not discount the strong need for parent involvement. The parental role in regulations has been minimized in traditional licensing; we need to urge a type of regulation for family day care that will involve parents actively and promote a great deal of public information.

This view of family day care is important for the hearing today. You should address family day care as you address the problem of sexual abuse in day care. If and when there are ever federal day care standards, family day care must not be left out of the picture.

There are several possible public policy responses to the supposed problem of abuse in day care. I would encourage you to speak out against simple, quick-fix solutions to this complex issue. To paraphrase H. L. Mencken: "For every day care question there tends to be an answer that is very clear, quite straightforward . . . and wrong!"

1. Legislative remedies have been proposed in 1984: fingerprinting, police checks, priority of child abuse proceedings in court, better reporting mandates. Some of these state and federal initiatives may be too costly and ineffective. Most child abusers do not have police records.
2. Education remedies have been proposed. Some of them are very simplistic, such as the child abuse prevention strategies being taught to young children. We will not know the effects of this teaching for some time to come. Some intensive parent education efforts are working in communities across the country.
3. Regulatory remedies—such as writing into statutes new requirements for day care providers—are being considered without taking stock of the impact on already-stretched enforcement resources.
4. Fiscal remedies—such as strings attached to Title XX funding—will be ineffective if they are limited to only those children receiving public funds (only about 15% of the children in day care). Requiring that AFDC working families use regulated care might be a step in the right direction but is very controversial.

I would like to suggest two public policy approaches which might be useful, at least from the perspective of family day care:

First, before there are federal day care standards, let there be a national licensing conference in which licensors, operators, and policymakers (particularly state legislators) examine their current state policies. Believe me, there is no day care regulatory "nirvana" out there—most of the regulations came directly out of foster care licensing and many are not appropriate to the child care of today. Also, what is appropriate in New Jersey may not work in Texas. Respecting state regulations while striving for more national uniformity is not a bad goal. Simply to enact the old FIDCR would not work today. And when these standards are developed, let them be developed by persons active in child care.

Second, the child care profession, over the next year or so, should be mandated to develop position papers on this topic, as well as resources for parents seeking child care. The profession should speak to the problem itself, rather than being judged by policymakers alone.

R.R. Nelson long ago urged that day care be regarded as a "fishbowl" which is highly visible on all sides by parents, the community, and regulators (1977). This concept is one which is often ignored by those who want to set up the most rigorous standards (with which few people will comply), or those who want to screen people out of the profession. Parents need "perfect information" about day care—and we would do well to spend the money on public information rather than trying to fingerprint every potential child care worker in the country. Let's not try to invade the "Grenada of day care" with a military-like force. Rather let us promote public information and require that day care homes and centers be highly visible to parents. One of the finest family day care providers in our state told me that her view of family day care is that of welcoming parents. She tells them: "Ring the doorbell, and then walk right in. This says to parents: this is my home and yet it also says, 'you are free to come and see this operation at all times.' "

In preparation for this testimony, I talked with family day care providers, family day care system coordinators, managers of the Child Care Food Program, and state department of social services people. They concurred on one point: if child abuse happens, the people who are perpetrators are often those with low esteem and poor self-image. If child care is not properly supported with training, excellent subsidies, easily understood but enforceable regulations, and access to community resources, you will continue to see a problem both in families and in day care.

When you go on a journey, you usually choose the destination first, and the desired date of arrival. Then you work backward from there to decide on your method of travel, the route, the stops along the way, and how long it will take. The old adage holds: If you don't know where you're going, any old road will do.

The pressing demand for day care finds us without a destination in mind. Where do we want to be in day care? Should the goal not be to protect as many children as possible from risks in day care? Then we should try to work out the methods—the rules and regulations—that are most sensible. Public policy decisions must be made on the basis of the common good, and should include regard for equity, cost-effectiveness, preference satisfaction, and feasibility. Day care has not received its equitable due and the results may be part of the problem you are discussing today.

Day care has suffered budget cuts such that 32 states provided child care to fewer poor children in 1983 than in 1981. State waiting lists grow while the number of children served drops. In the past three years, 24 states have reduced funds for training child care workers. In states like Delaware, the payment for family day care providers is so far below market costs that many providers are not willing to care for Title XX-funded children. Further, most states have suffered severe shortages in experienced licensing personnel—just at a time when they have new responsibilities for regulating day care (Children's Defense Fund, 1984).

Coping with the possibility and reality of child sexual abuse in day care as well as in families will not be easy. There's no panacea. As Bettye Caldwell has pointed out, every profession has its malpractice--unfortunately, doctors, lawyers, and sometimes day care workers are among those professionals.

Thank you for trying to address the issue in the forum of this hearing.

Summary of Family Day Care Regulations (and number of children in care when regulations are required)

A. No regulations except for homes receiving public funding:

Arizona, Louisiana, New Jersey, Ohio, West Virginia n= 5

B. License homes: n=29

starting with
1 child or more (15)

Alabama
California
Colorado
Connecticut
Delaware
Florida
Idaho
Indiana
Minnesota
New Hampshire
New York
North Dakota
Oklahoma
Rhode Island
Washington

starting with
2-3-4- children (9)

Alaska
Illinois
Kentucky
Missouri
New Mexico
Utah
Wisconsin
Wyoming

starting with
5-6 children (5)

Arkansas
Mississippi
Nevada
Tennessee
Virginia

C. Register homes:

starting with
1 child or more (11)

Kansas
Iowa
Maryland
Massachusetts
Michigan
Montana
Nebraska
Oregon
Pennsylvania
South Dakota
Texas

starting with
2-3-4 children (2)

Georgia
North Carolina (no standards)

D. Both License and Register:

starting with
1 child or more (2)

South Carolina
Vermont

starting with
2-3-4 children (1)

Maine

n=16

E. Territories:

License homes

starting with
1 child or more (3)

District of Columbia
Guam
Virgin Islands

starting with
2-3-4 children (1)

Puerto Rico

n= 4

Source: Survey of Family Day Care Regulations, Adams, 1982.

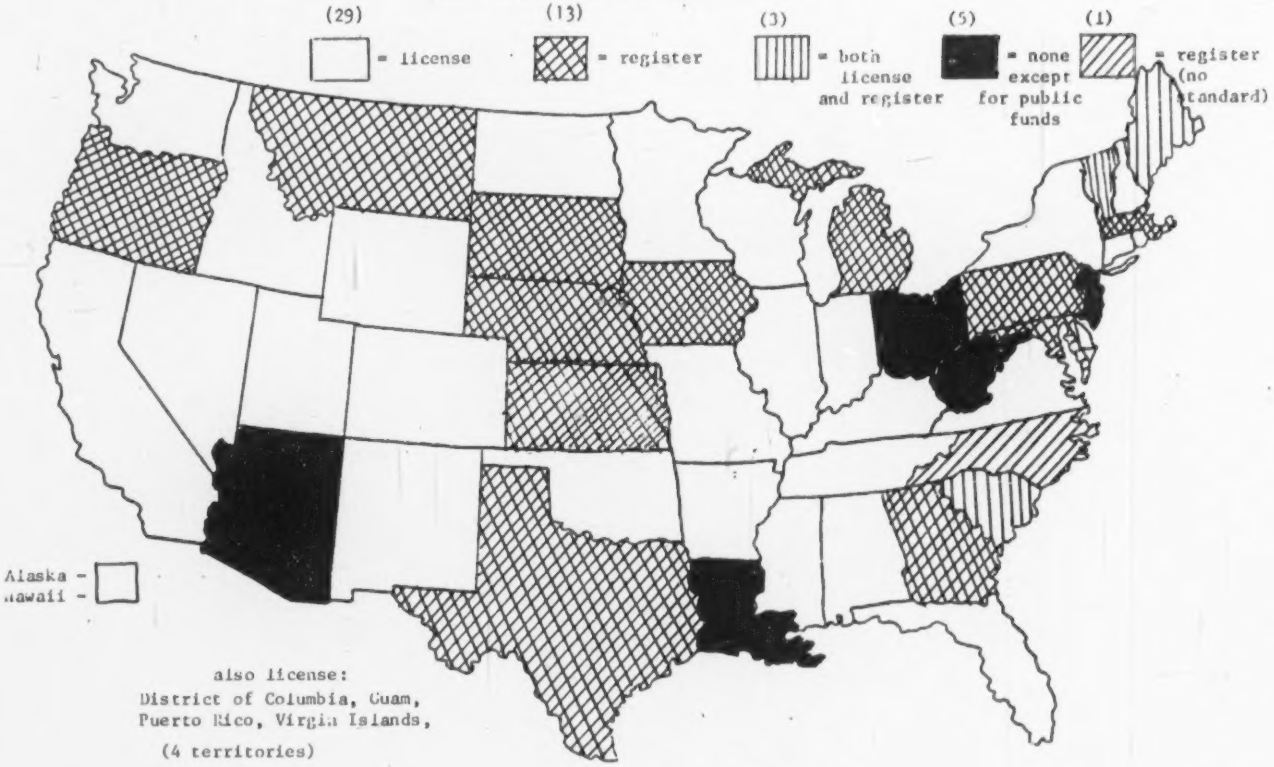
Selected Regulations for Family Day Care
and Number of States Following Them (n=54)

Basic Regulation of Family Day Care	Number of States
License	29
Register	13
Either License orRegister	3
No regulations, except public funding	5
Territories all license	4
Duration of the Regulation	
Annual renewal	31
Biennial renewal	13
Not specified in the regulations	10
A. Day care provider qualifications	
Age 18 or older	27
No educational requirements given	31
Educational requirements given:	
a. be able to read and write	6
b. have child development courses	3
c. know first aid	4
Initial health examination of provider	34
No child abuse/neglect convictions	15
B. Program for the children	
Active and quiet activites for children	27
Outdoor play required	27
Child-sized equipment specified	11
Provision for naps/time and cots	37
C. Health and Safety	
Child health examination on enrollment	31
Required immunizations before enrollment	30
Provider have written instructions for administering medication	23
Storage of hazardous materials	31
Cover electric outlets	14
Conduct regular fire drills	14
Fire extinguishers or smoke detectors	21
Have two exits in case of fire	18
Have emergency phone numbers	15
Have first aid supplies	28
D. Nutirition	
Meals meet recommended daily allowance	20
Snacks must be provided frequently	29

Source: Lawrence Johnson Associates, Comparative Licensing Study, 1981.

From: Policy Analysis--Family Day Care Regulations, D. Adams (in process, 1984)

State Regulations for Family Day Care


(29)
= license
(13)
= register
(3)
= both license and register
(5)
= none except for public funds
(1)
= register (no standard)
Alaska -
Hawaii -

also license:
District of Columbia, Guam,
Puerto Rico, Virgin Islands,

(4 territories)

Source: Adams, 1982. National Survey of Family Day Care Regulations. Bush Institute for Child and Family Policy, University of North Carolina. ERIC Document #013020

Chairman **Rangel**. Thank you.

I see we are running into a very serious time problem before we have to return to the floor, but I do want to point out that the entire statements of the panelists will be placed in the record.

[The following was subsequently received:]

Community Coordinated Child Care (4-C),
Madison, WI, September 21, 1984.

George Miller,
Chairman,
Select Committee on Children, Youth, and Families,

Charles Rangel,
Chairman, Subcommittee on Oversight,
Committee on Ways and Means,
House of Representatives, Washington, DC.

Dear Representative Miller and Representative Rangel: Thank you for the opportunity to testify before your Committee last Monday, September 17. The topic of child sexual abuse in day care is an important one, and I hope our testimonies that day aided in your decisionmaking.

I wanted to follow up on one of the questions asked of me concerning how viable it is in Wisconsin for a day care employer to get a police record check done on employees. I thought it might be instructive for you to get information from a state that has 1) a fairly stringent licensing law that is enforced, 2) a relatively progressive state policy on the use of child day care funding through Title XX of the Social Security Block Grant, and 3) a history of licensing since 1949.

It is possible in Wisconsin for anyone to request the arrest record of a potential employee. One fills out a form giving the name, age, sex, race, and date of birth of the individual in question. The Criminal Investigation Bureau of the Department of Justice will respond, giving the arrest (and, if known, the conviction) records—in Wisconsin, only. The CIB is prohibited from crossing state lines to get information about arrests. The biggest problem comes if the individual is using an alias—then there is no way to be sure it is the same person. Currently, this police check system is not used very much; if many requests were made (since it is not computerized), there would undoubtedly be a pressure on the system.

The CIB and the Department of Social Services have begun discussions about the possibility of a national data bank; both feel it would be a good idea but would take careful planning. Currently, DDS is doing some sample police checks on day care personnel—trying to note what that entails, expenses incurred, amount of time—and if the information can be used. We operate under a Wisconsin Fair Employment Act, and there are very clear guidelines so that an employer avoids out and out discrimination in employment.

Wisconsin used to have state-wide registry for child abuse and neglect complaints. It was very little used and was just recently dropped. If any police check or fingerprint requirement is enacted, a mechanism for tapping into the child abuse and neglect reporting system would have to be put into place.

Licensing chiefs in our state have discussed this topic at length; while searching for the most appropriate way to uncover potentially harmful day care employees or directors, they also are very interested in getting more frequent and perceptive licensing visits. Currently, licensed facilities are inspected every two years. There is also a fair amount of activity on family day care regulation in the state; a task force recently recommended registration (with initial inspection) to replace traditional licensing.

Most people I have talked with in the Department and in child care would like to see the greatest amount of effort put into parent information and referral. If we could add to that a direct subsidy to day care programs in the state (much like the state aids to schools) so that they could have more money to hire better qualified staff and retain them, the whole system would be strengthened.

In my testimony I included summaries of family day care regulations in the 50 states. I am now enclosing a summary of several standards for center regulations by states. You can see the wide variations, even in such straightforward items as square footage. I only include these to remind you how hard it will be to get federal standards.

Just getting states to use the same outline or coverage of items to regulate would be a step ahead. The Lawrence Johnson Licensing Study has a good codification which might be usefully implemented in state licensing rule books.

I would like to suggest that a teleconferencing methodology be used to begin the process of beginning a national dialogue on federal standards (or at least model standards) for day care. We have such a system here at the University of Wisconsin, and we have found it cost-effective. Every licensing chief in the nation, plus other facilitators, could be on the line at once. If people had written materials ahead of time, two hours on the teleconference line, perhaps two or three times, would be invaluable. Then perhaps a small planning committee with government officials, Congressional leaders, and state licensing chiefs could hammer out a practical solution to more uniform standards. This process would cost very little and would be more likely to result in success than merely "handing down" some version of FIDCR.

I have been following, from a policy analysis perspective, the legislative and advocacy battles in many states over the past several years. I don't believe there is a quick and easy way to simply mandate federal standards—and have everyone comply. There are too many competing interests out there. But I do believe most states are willing to work toward some sort of consensus on basic protection for children in day care.

The need for Congress to act is, I know, of paramount importance right now. If I can be of any service to you in facilitating the development of federal/model day care standards—and a way to get there—please let me know. I wish you well over these next few weeks. Thank you. We appreciate your leadership!

Sincerely,

DIANE ADAMS, *Acting Director.*

A COMPARISON OF LICENSING STANDARDS OF SELECTED STATES, FEBRUARY 1983

Category/State	Age					
	Under 2	2	3	4	5	6+
A. Staff/child ratios (minimum):						
Median of 45 States	1:5.3	1:7.9	1:10	1:11.9	1:13.9	1:16.7
North Carolina A license	1:8	1:12	1:15	1:20	1:25	1:25
With tolerance	1:9	1:14	1:18	1:24	1:30	1:30
Wisconsin	1:4	1:8	1:10	1:12	1:16	1:16
Arkansas	1:6	1:9	1:9	1:15	1:18	1:18
Alabama	1:6	1:6	1:10	1:20	1:20	1:22
B. Group size (maximum):						
Median of 18 States	10	16.8	19.6	19.9	21.5	25
North Carolina	25	25	25	25	25	25
Wisconsin	8	16	20	24	32	32
Alabama	6	6	10	20	20	22

Note.—Prepared by Diane Adams.

Sources: Individual State licensing rules for group day care centers as of 3/82; also, Lawrence Johnson, Associates, "Comparative Licensing Study," 1978. The comparison does not include family day care homes.

C. *Staff qualifications:*

(a) *Minimum age requirements: Number of States:*

Staff position	Minimum age									
	21	20	19	18	17	16	15	14	Not specified	Mean
Directors (N=34 States)	17	1	1	14	1	—	—	—	16	19.6
Teachers (N=30 States)	5	—	—	19	2	4	—	—	20	18.2
Aides	—	—	—	7	3	14	2	2	22	15.8

(b) *Minimum educational requirements: Number of States:*

	No minimum requirement for degrees, experience or training	High school/training/CDA/and/or years of experience	College (A.A. or B.A. required)	College plus experience
Directors	12	23	12	3
Teachers	21	26	3	0
Aides	39	11	0	0

D. *Transportation policies:*

a. Staff child ratios are specified by 20 states. These include: 2 adults present at all times (2 states), staff/child ratio same as licensing requirement (1 state), 1:5 (10 states), 1:6 (2 states), 1:7 (3 states), 1:8 (1 state), 1:15 (1 state).

b. 8 states require written transportation policies.

c. 11 states require centers to follow state motor vehicle standards.

d. 7 states specify age of driver (18 or 21).

e. 4 states require chauffeur or bus driver license.

f. 12 states require all in vehicle to be seated.

g. 5 states require that all children be in seat belts or infant seats.

E. *Indoor and outdoor space requirements:*

a. Indoor (Mean = 33.6 ft.^{2} per child):

States	No requirement	Sq. ft. per child				
		20	25	30	35	40
Number	1	1	3	6	38	1
Percent	2	2	6	12	76	2

b. Outdoor (Mean = 70.2 ft.^{2} per child):

States	No requirement	Sq. ft. per child							
		40	45	50	60	65	75	80	100
Number	8	1	1	5	3	2	27	1	2
Percent	16	2	2	10	6	4	54	2	4

F. *Nutrition:*

a. 3 states mandate hot food.

b. 9 states allow catered food.

c. 11 states require that snacks of food be served "regularly", 36 states regulate frequency of food service by hours of attendance, and 3 states have no requirement for frequency of meals.

d. For the states that regulate frequency of meals and snacks by hours of care, the following is a rough summary of requirements:

Duration of care and number of meals or snacks:
2 hours—1 meal or 1 snack.
4 hours—1 meal and 1 snack.
8 hours—2 meals and 1-2 snacks.

SUMMARY TABLE 3.—STATES GROUP SIZE LICENSING REQUIREMENTS FOR CENTERS BY AGE OF CHILD (PERCENT OF STATES REPORTING)

Maximum group size requirement	Age of child					
	Under 2 years	2 years	3 years	4 years	5 years	6 years and older
6 or lower	11	5	0	0	0	0
7 to 9	34	16	0	0	0	0
10 to 12	17	5	0	0	0	0
13 to 15	11	11	17	5	5	0

SUMMARY TABLE 3.—STATES GROUP SIZE LICENSING REQUIREMENTS FOR CENTERS BY AGE OF CHILD (PERCENT OF STATES REPORTING)—Continued

Maximum group size requirement	Age of child					
	Under 2 years	2 years	3 years	4 years	5 years	6 years and older
16 to 18	5	21	5	5	11	6
19 to 21	11	26	56	56	28	18
22 to 24	0	0	0	11	0	0
25 to 27	5	11	11	11	28	30
28 or higher	5	5	11	11	28	47
All States (100 percent)	[1] 18	18	18	18	18	17
Median State ceiling	10.0	16.8	19.6	19.9	21.5	25.0
HHS ceiling [1]	6	12	[2] 18(16)	[2] 18(16)	[2] 18(16)	[2] 16(14)

[1] Only 18 States reporting have group size licensing requirements.

[2] Numbers in parenthesis reflect attendance requirements.

Source: Report to Congress, DHSS, 1981, title XX funded day care.

[Capitol Comments, September 1984]

CHILD ABUSE: IS IT AN EPIDEMIC?

According to the 1983 Child Abuse and Neglect Report from the Department of Health and Social Services (DHSS) in August of 1983, 1,754 children in Wisconsin had been determined to have been abused or neglected. Of these, nine died as a result of the abuse or neglect. While the rate of determined cases of abuse and neglect rose 1.9% between 1981 and 1982, the rate of sexual abuse increased by 21%. The reports of abuse of all kinds have risen 13% between 1979 and 1982.

The county social services agency has the primary responsibility for receiving and investigating child abuse and neglect reports. Under the revised child abuse and neglect reporting law passed in the last session of the Legislature, more people are now mandated to report when there is reason to believe that a child is being abused or neglected. Before the change, the following persons were required to report: physicians, coroners, medical examiners, nurses, dentists, chiropractors, optometrists, other medical or mental health professionals, social or public assistance workers, school teachers, school administrators or counselors, child care workers in a day care center or child caring institution. These persons have been added by the change: day care providers (no longer just in a center), alcohol or drug abuse counselors, members of a treatment staff employed by or contracted for by Social Services, 51 Board (Board for mental health and alcohol, other drug abuse and developmental disabled programs), physical therapists, occupational therapists, speech therapists, emergency medical technicians, paramedics or ambulance attendants.

Should there be reason to suspect that the child is in imminent danger, the report is to the city police department or county sheriff, since these agencies are empowered to remove the child or take other steps to see that he/she is not endangered, and they must act within 12 hours.

If there is not reason to believe that the child is imminently in danger, the county social service agency must investigate within 24 hours.

Any other person may report suspected child abuse, and all reporters who do so in good faith, are immune from liability. The new law has clarified that the county social service agency is to coordinate activities in child abuse cases, including provision of services to the child and the family. It also says that within 60 days of receiving a report, the reporter is to be informed of the outcome of the report.

Before the passage of the new law, Wisconsin had a central registry. Any person who was found to have abused a child had his/her name recorded in that registry. This registry was abolished by the revision of the law. The registry was not used as had been envisioned when it was put into place. Often names were never forwarded to the registry, and the counties rarely contacted the state when they had a question about suspected abuse with a new resident. The worker in charge of the case generally called the county of former residence. Also under the old law, after determining that abuse or neglect had taken place, the county agency notified the accused, and the accused had a right to an administrative hearing on the charge if he/she notified the agency that he/she wanted such a hearing. County social workers opposed this hearing because they believed it impossible to provide services for a family and child in a helping way while simultaneously having to go through the adversarial hearing process. The new law repealed the administrative hearing. The accused, of course, still has full rights to go to court as they did under the other system.

It is important to note that the training for the new law has just barely gotten started, and counties do not believe that they have experienced any effect from it as yet. The reason that this is crucial to bear in mind is that there has been a disturbing increase in the reporting of child abuse during the last year. At first it was largely anecdotal; now it is confirmed by a survey recently conducted by DHSS. While the survey was done hurriedly and all of the collected data does not match (i.e. some counties responded with 6-month totals, others with yearly totals), it is safe to assume that the reporting increase is substantiated. Of the counties responding, 56 noted an increase in child abuse (reportings only), 12 reported none. (One county reported an increase in abuse alone.) The abuse and neglect reporting percentages ranged from a 6% increase in Winnebago County to between 100% to 150% increase in Jefferson. Increases have occurred in two related programs as well—the reporting of sexual abuse cases and the number of children in alternative care.

The law states that upon receipt of a complaint, an investigation by the county agency must start within 24 hours. Counties have been hard pressed to respond to increases; according to the survey, they have adopted a number of different techniques. Some have shifted personnel within their department in order to respond, several have hired new staff and others will request new staff. In one case, the Director of Social Services has been taking some cases. Other comments were that county personnel have set priorities, done less paperwork or put in overtime.

Other information from the survey showed that fifty-five countries responded to the question as to whether sexual abuse reporting had increased and all but two reported an increase. Twenty-two counties out of 63 reported an increase in the use of alternate care.

No one has a good explanation for the increases; usually there is some linkage between economic conditions and a rise in child abuse, but recent economic improvement seems not to have decreased reporting statistics. Some speculate that while some previously unemployed people in Wisconsin are back at work, they are not working at jobs which pay as well as ones they previously held, or they are not working as many hours. Others say that people have become more aware of child abuse and particularly sexual abuse as a reportable offense; therefore the reporting has gone up. Suggestions have been made that in the past children were not believed when they reported abuse to adults. Recently, it has become a more generally accepted fact that children rarely lie about abuse. Additionally, some people have postulated that abuse reporting has increased because teenagers are less reluctant to report. They know now that others have shared similar experiences and the subject is no longer taboo. They now believe that action will be taken on their behalf.

Irrespective of the reasons, Wisconsin has a very serious problem and the counties are not presently equipped to cope with such a rapid escalation. The response from the Department of Health and Social Services has been to propose a $4.8 million increase in Community Aids funding a finance increase county activity in this area. This money is intended to augment current county child abuse and neglect programs. This amounts to about 2% increase in the Community Aids allocations.

According to county social services administrators, continuing programs now in place (Social Service and 51.42/437 program funded by Community Aids) will require at least a 4% increase in the basic county funds. Whether or not these new funds will allow the agencies to cope with the increased reporting is likely to be a function of what the overall Community Aids allocation increases are. If the agency uses the new money to supplant other money from its basic allocation to fund child abuse and neglect programs and shifts previously committed money to other programs, it is difficult to see that the funds for child abuse will be enhanced.

ADOLESCENT PREGNANCY/ADOLESCENT PARENTS

The Department has launched a major initiative to reduce the number of adolescent pregnancies and the negative consequences of such pregnancies. During FY 1984, Department staff in the Office of Children, Youth and Families worked with staff of the Department of Public Instruction to review existing services and develop recommendations. Using newly available Social Services Block Grant funds, OCYF is seeking proposals for schools programs for adolescent parents, programs to prevent first and subsequent pregnancies, and out-of-school services to adolescent parents. Funds totaling $637,000 will be available for January, 1985, through June,

1987. The target populations are children and adolescents (at risk for pregnancy, pregnant or already parents) ages 10 to 18 and/or their parents and other significant adults.

Demonstration funds through the Wisconsin Employment Opportunities Program are also available to provide support and vocational services to pregnant or parenting adolescents and to young women at risk for pregnancy. The target population is adolescents in AFDC families, 9th grade through age 19. Total funds available are $700,000.

The new Adolescent Pregnancy Prevention Coordinator in OCYF will assist programs funded under both initiatives and convene in Inter-Department Task Force. The attached draft position paper (Attachment 4) describes adolescent pregnancy as both a problem and a sympton. The Department's objectives recognize adolescent pregnancy as the result of family dysfunction, economic distress, and lack of services and information. Prevention programs, such as the Division of Health's Project Model health decision-making curriculum for adolescents and portions of the WEOP and OCYF initiatives, are directed toward adolescents in general and/or adolescents at risk.

Objective 2. Support programs for children in need of care or services. Both of the programs described in this section are ongoing. There are two new initiative areas under day care funded by supplemental Social Services Block Grant funds. Both day care and runaway services, although delivered directly to the child, are also supportive services to family units.

Federal IV-B funds are allocated to Runaway Programs in the amount of $200,000 annually.

DAY CARE

The Department continues to emphasize day care as a service to prevent out-of-income placement and alleviate family stress and child abuse. During calendar year 1984, approximately $9.4 million in Social Services Block Grant funds and State funds were allocated to all 72 counties to provide day care assistance to eligible families. An estimated 24% of the children served received day care to treat or prevent abuse/neglect, drug alcohol crises, family problems or stress which constitute risk to the child, emergencies, and for prevention of out-of-home placements. An additional $75,000 was allocated to special projects to develop needed child care services: infant/toddler care and family day care systems.

New child care improvement legislation in FY 1984, Wisconsin Act 143, removed local zoning barriers to the development of regulated family day care, legislated eligibility and funding rules for child care assistance, enabled school districts to provide day care services, and removed the exemption of YMCA-operated day care programs for licensure.

During 1985–1987, the Department will utilize $90,000 in remaining 1983 day care funds unspent by counties to provide technical assistance to targeted counties and potential or existing day care providers and to businesses interested in providing day care services.

Crisis/respite day care is the object of special Departmental attention. Proposals are currently being sought for two-year projects to start-up or expand day care and other support services to families where there is risk of abuse and neglect, high stress, or emergencies. The $600,000 for this development is available through supplemental Social Services Block Grant funds, and will be built directly into county allocations at the end of the two-year period.

Latch key day care is a Departmental focus in response to the increasing numbers of children who are unsupervised before and after school and during school holidays. The Department recognized that these children are in need of services to prevent both physical harm and possible emotional damage due to neglect, fear and loneliness. Supplemental Social Service Block Grant funds will be used to fund 2½ year projects to test new or innovative services to children in kindergarten through eighth grade in need of care and supervision before and/or after school. A total of $77,800 is being made available.

RUNAWAYS

Reasons youth give for running away indicate that family dysfunction is the primary problem: parental alcohol and drug abuse, physical or sexual abuse of the child, and lack of family communication are the most-often cited reasons for runaway behavior. Runaway programs provide a range of services to protect and shelter the runaway child, and support and reunify the family. Related prevention services include: peer support groups for youth, hotlines and community education.

The Department provides support and technical assistance to 12 programs throughout the state for runaway children. Child Welfare IV-B funds, in the amount of $200,000 annually, help support these runaway programs. Four of the programs are well-established; eight are relatively new. Twenty-six of the State's 72 counties, with 60% of the State's youth population, are served by runaway programs.

Chairman RANGEL. Ms. Rogin.

STATEMENT OF CAROLE M. ROGIN, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION FOR CHILD CARE MANAGEMENT

Ms. ROGIN. Thank you, Mr. Chairman.

Our full written testimony has been submitted. I appreciate that it will be included in the record.

Let me not even highlight the first part of our testimony, which is the delineation of what we know about the background of this problem.

I think we all have had a long and distressing morning in terms of the information that we have learned here, and from the perspective of the National Association for Child Care Management [NACCM], I can only say that we are assured by the fact that the problem of child sexual abuse is not primarily a problem of licensed centers. It is unfortunately a problem of our society.

With that in mind, let me highlight for you five recommendations that our association has made in our written testimony.

First, and of utmost importance in the protection of children is parental awareness. We have heard a lot about it this morning, what it has the potential to do, and what aspects of this problem it probably can't address.

However, parents do and should bear the primary responsibility for the care and safety of their children.

As Congressman Bliley, a member of the Select Committee on Children, Youth, and Families, thoughtfully stated in a letter in Saturday's Washington Post, "parents who love their children aren't going to sit around on their hands if they think their kids are in danger."

We also have to remember that we are talking about a work-related service for parents. Their schedules are prioritized often before their day begins, and I think we have to heed Mr. Bliley's suggestion that parents must be allowed and encouraged to come to the centers at any point in time on their own schedules.

I would point out that this has been a policy in virtually every one of our 200-plus member company centers, and we are placing a renewed emphasis on encouraging parents to attend the center at some point during the day or week.

Additionally, we believe that child care centers themselves can provide valuable guidance to parents in the acquisition of quality materials about child abuse, that parents may use with their own children at their own discretion.

I would note that our organization is preparing a bibliography for dissemination to our approximately 2,500 centers, and we would be more than happy to make that available for broader dissemination.

Second, and I think this has been reinforced time and again this morning, there is a desperate need for demographic data.

We need to know the problem, its actual incidence, the relative frequency with which it occurs in different types of settings, and what types of settings may encourage this type of aberrant adult behavior.

Further, we believe that collection of data without dissemination of that data is a relatively useless exercise. We recommend that the compilation of and the access to data on child sexual abuse, and I would reinforce there specifically "child sexual abuse," be completed at the Federal level.

We concur with others who have recommended that information be collected at the Federal level and be accessible by a nationwide tollfree telephone number for use by providers as well as States.

Third, we would recommend that the Federal Government consider the assistance to States in locating trained experts, such as people we have heard this morning, and placing them in specialized units within the State governments. It is our opinion that placement of these individuals in State licensure agencies is probably not the most appropriate place, since the information that we have at the moment tends to indicate that licensed child care centers are just a small, small portion of the problem.

Fourth, we would encourage the States to incorporate information about the occurrence, identification, and reporting procedures about incidences and suspected incidences of child care abuse training requirements. I think the Child Development Associate Credentialling Program can address these issues; certainly college early childhood training programs ought to incorporate such information into their programs.

We would point out that, in the seventies, Congress authorized the federally funded National Center on Child Abuse and Neglect. It is our understanding that at the present time the legislated purpose and scope of the existing national center is restricted to familial situations and residential settings. We propose that the center jurisdiction be expanded and that the center serve as the focal point for the four activities we have just recommended.

Finally, NACCM strongly encourages the Congress to resist the temptation to impose Federal regulations on child care centers to address this problem.

Mr. Miller, chairman of the Select Committee on Children, Youth, and Families very succinctly stated on the "Today Show" in August that:

> The decision has been made that the states are the ones closer to child care centers, who can more properly regulate those institutions and for the Federal Government to try to write national standards would be a terrible mistake.

We believe that Mr. Miller is right. What scant data we have suggests that only a minute portion of the sexual abuse problems exist in day care centers. Further, the behavior that we need to control is only punishable. It is not regulatable or monitorable.

Finally, the imposition of regulations may divert our attention, or worse, falsely assure all of us who care so deeply that we have done something valuable for children.

Our organization stands ready to assist, cooperate, and participate fully in these areas that we have outlined this afternoon. Thank you.

[The prepared statement follows:]

STATEMENT OF CAROLE M. ROGIN, EXECUTIVE DIRECTOR, THE NATIONAL ASSOCIATION FOR CHILD CARE MANAGEMENT

The National Association for Child Care Management (NACCM), representing the private, proprietary providers of licensed center-based child care, appreciates the opportunity to participate in the hearing today. On behalf of the NACCM membership—over 200 child care companies that serve approximately 250,000 children in licensed child care centers throughout the country, I appreciate the opportunity to share the perspective of the private, proprietary child care industry on a national response to the problem of child sexual abuse.

Abhorrent incidents in several child care facilities have, in recent months, riveted national attention on the problem of child abuse and increased our concern for the welfare of our children. We all must recognize that child molestation is a crime—no different than robbing a bank or committing a murder. Further, the crime of child abuse is not new. It is difficult for the American public to accept child abuse as a horrifying reality in our society that has existed for centuries in our admittedly less than perfect world.

Like other major social problems—for example, drug abuse—public attention focused on the problem will hopefully lead to a heightened awareness that will result in its eradication or control, if we take an appropriate and reasonable approach based on full and complete information about the nature and extent of the problem.

In a recent news article, William McDonnell, Assistant Director of Child Welfare Services for Fairfax County, Virginia, reported that instances of sexual abuse involving children under 18 have increased steadily by 10 to 15 percent during the last three years. However, Mr. McDonnell stated his feeling that "it's not so much that it's occurring more, it's just getting reported more."

Additionally, some experts believe that children are at higher risk now than in the past for two reasons: the continuing number of two-working-parent families, and the high divorce rate, necessitating care for young children outside of the home. However, it does appear from the limited data available that a startling number of these crimes are committed by a natural parent, close friend or relative.

As Ken Lanning, FBI Specialist, noted on the September 11 ABC Nightline program, "probably the largest number of children are sexually abused in their home. So in some cases, for some children, a day care facility may, in fact, be safer than their own home."

However, the situation remains complicated, and we as a society continue to be concerned for the welfare of our children. As we address the issue of appropriate ways to ensure more protection for young children, NACCM believes we must heed the advice of Dr. Lee Salk, noted child psychologist and clinical professor of pediatrics at the New York Hospital-Cornell Medical Center, as he warns against overreaction. While several classic signs may point to sexual abuse, Dr. Salk warns against jumping to conclusions. "They may be signs of many other things, too," he advises. Several reports also indicate an important distinction to be kept in mind—that difference between allegations and confirmed cases of sexual abuse of children.

The horrifying pattern of abuse recently disclosed is unusual. Based on several NACCM members' recent experiences, parents are so alarmed by current reports that they have been frightened by their child's reluctance to go to the center on a particular day. Their immediate suspicion has been sexual abuse, only to discover after discussing their concerns with the caregiver that the child's anxiety was actually the result of a friendly quarrel with one of his playmates the preceding day.

We truly believe that focusing national attention on the problem will ultimately assist in its control. With wider understanding, and a new openness about the problem, we can help break this tragic cycle. However, we cannot create an attitude so negative that parents, children and caregivers generalize and become afraid.

We want to be able to specialize in this sensitive area and be better prepared to investigate all crimes against children. However, due to the current lack of expertise in this area and lack of trained experts, it is very difficult for law enforcement and child protective services personnel to initiate a timely, unified process.

NACCM acknowledges that a very small portion of the problem is occurring in licensed child care centers. Since their formation, NACCM member companies have incorporated preventive measures that address this issue in several ways. First, the actual structural design of many child care facilities was developed to provide optimum visibility for caregivers at all possible times. For example, most classroom doors have windows, partitions are situated to provide accessibility and easy view for adults, and the floor plan often allows for visibility from one classroom to another, as well as to the playground.

Additionally, the size of the average child care center is another valuable deterrent. In a center, commission of this crime would require complicity on the part of several adults, unlike situations in which a single adult is in the privacy of his/her own home with one or more children, either related or unrelated. By virtue of the number of adults present, plus the supervisory structure in a center situation, it would be extremely difficult for an individual to engage in such activities undetected.

Another aspect of a center's deterrent potential is that of formal hiring policies. In order to hire the most qualified personnel in our centers, members have developed extensive employment applications. Some applications include questions specifically related to criminal records and reference checks are a priority. Depending on the state laws, many private proprietary providers are able to require a criminal record check.

Consequently, it appears that the problem of sexual abuse is only marginally related to child care centers. What data is emerging supports the information recently released by Lois Harrington, Assistant Attorney General, Department of Justice, who specializes in the issue of crime victims, particularly child molestation. In the September 11 Nightline program interview, Ms. Harrington advised, "Most of (child sexual abuse) is not in day care centers." She continued, "We have found out that molestors and pedophiles that are interested in children tend to gravitate to where they can be closest to their victims and get in a trust relationship. That may not necessarily be day care. That may be the school teacher, that may be the janitor, that may be the bus driver of the schoolbus."

The urgent question before us, then, is "How do we, as a society, respond rapidly and effectively to control this societal element?" NACCM believes that there are constructive and thoughtful actions that can be taken by all who share in the future of our country—the federal government, state and local jurisdictions, child care providers, parents and children.

First, and of utmost importance in this protection of children, is parental awareness. Parents do and should bear the primary responsibility for the care and safety of their children. As Congressman Thomas Bliley so thoughtfully stated in a letter to the Washington Post on September 15, "Parents who love their children aren't going to sit around on their hands if they think that their kids are in danger."

Because our organization's focus is the care of children in licensed child care centers, we encourage attention to Mr. Bliley's suggestion that "Parents must be allowed and encouraged to drop in at the centers without notice." This has always been a policy with NACCM member centers, but we are placing a renewed emphasis on encouraging parental presence.

Additionally, child care centers can provide guidance to parents in the acquisition of quality materials about child abuse, and specifically sexual molestation, that parents themselves may share with their children. Our organization is currently compiling a bibliography of these materials for our members, but we would be most willing to provide it for general distribution. All of us must attempt to assist parents in approaching this issue in an open, honest and informed manner. We need to assist parents in their recognition of a possible problem, their ability to differentiate sexual abuse from other serious signs of a disturbed child, and to minimize the number of false concerns or allegations that can themselves be deeply disruptive.

Secondly, there is a desperate need for documentation of the demographics of sexual abuse of children. We need to know the scope of the problem—its actual incidence, the relative frequency with which it occurs in different settings, and the types of situations that enable this type of aberrant adult behavior to exist.

Data collection is futile without data dissemination, and NACCM recommends that the compilation and access of this data be centered at the federal level. Access to this information is vital, and NACCM concurs with others who have suggested a nationwide, toll-free telephone line be established for use by providers and state officials. Currently, the ability of providers to access background information on potential employees is severely constrained by the lack of a federal-level source of information, statutory limitations, and cost. For example, the cost of a single FBI background check can be as much as $38, and the impact on a single child care center's budget can be devastating. We would add that the impact on larger child care companies, one of which employs 11,000 individuals, can also be extraordinary.

Third, NACCM recommends that the federal government assist states in locating trained experts in the area of child sexual abuse and incorporating their abilities into the current protective services or other appropriate state agencies. These professionals can be of invaluable assistance in the investigation of allegations, determination of the facts, differentiation of the problem from other forms of child abuse, and counseling to minimize the trauma to all individuals who may be involved with an alleged incident.

Fourth, NACCM would encourage the states to incorporate information about the occurrence, identification, and procedures for reporting suspected instances of sexual abuse into current child care provider training requirements. NACCM member companies, many of whom have extensive staff training programs already in place, are incorporating this focus; the Child Development Associate (CDA) credentialling process can include this information, and college and university early childhood programs should definitely address the issue. Certainly, the provision of model training materials by the federal government for the possible incorporation into programs by all these entities would be an appropriate federal role.

In the 70's, Congress recognized that similar requirements would address the problem of child abuse and responded by authorizing the federally funded National Center on Child Abuse and Neglect to assist agencies and organizations at the national, state and community levels in their efforts to improve and expand child abuse and neglect prevention and treatment activities. However, it is our understanding that the legislated purpose and scope of the existing National Center on Child Abuse and Neglect is restricted to familial situations and residential facilities. We propose that the Centers' jurisdiction be expanded to address the needs of the '80's. The National Center's informational activities could be expanded, rather than be restricted to particular settings, and compilation of data and resources could encompass all child sexual abuse. NACCM believes the structure is already in place as the National Center and it represents an appropriate foundation on which to build by including activities such as collecting demographic data on all child sexual abuse convictions, establishing procedures with the states for reporting convictions of any adult on these charges, and providing assistance to states in provider training and identifying qualified experts.

Finally, NACCM strongly encourages the Congress to resist the temptation to impose federal regulations on child care centers to address this problem. As Congressman George Miller to succinctly stated in an excellent interview on the Today show in August, "I think that the decision has been made that the states are the ones who are closer to (child care centers), who can properly regulate those institutions, and for the federal government to try to write national standards would be a terrible mistake."

We firmly believe that Mr. Miller is absolutely right. What scant data we do have suggests that only a minute portion of the sexual abuse problems exists in centers; further, the behavior we need to control is only punishable—like other crimes, it is not regulatable or monitorable; finally, despite these facts, the imposition of regulations may divert our attention, or worse, falsely assure all of us who care so deeply that we have done something valuable to protect our children.

In conclusion, NACCM is encouraged by the fact that the horrendous issue of the sexual exploitation of children has gained our national attention; we firmly believe that the control of and solution to this problem demands our resources. We recommend that efforts be directed to information, education, data collection, and access.

Our association, representing the employers of individuals who care for over a quarter of a million children, stands ready to assist, cooperate and participate fully in those initiatives we have outlined today. NACCM appreciates the opportunity to share its views and suggestions with the Congress.

Chairman RANGEL. Thank you.

In terms of basic minimum screening and Federal minimum standards, you would oppose that?

Ms. ROGIN. That is correct.

Chairman RANGEL. And even though the Federal funds is the largest portion of moneys that are available for licensed day care centers, you believe that local and State governments, being closer to the problem, would have a better understanding as to what minimum standards should be?

Ms. ROGIN. Absolutely, and further——

Chairman RANGEL. Notwithstanding the fact that we may have 50 different sets of standards?

Ms. ROGIN. At this point in time we do.

Chairman **Rangel**. I think you just oppose the concept of the Federal Government setting standards for day care.

Ms. **Rogin**. That is absolutely right. We strongly support the comprehensive licensure of all facilities that care for children in groups in each and every State in this country.

Chairman **Rangel**. Well, I do hope that you will be able to share with us that if in fact there will be some minimum standards, what you would think would be the least offensive, because it is going to be very difficult, as I see it, for this Congress—we are going to try to see whether or not we can get more funds for the professionals to do things that you think would be best in order to improve the quality of day care for these children and recognize it is a problem that is much more than day care centers and we laud the effort that has been made by day care center workers, but I think politically you should realize, when we respond to "what have you done about it," it is difficult for us to say "we have left that up to the local and State governments, because they are closer to the problem than we are."

Ms. **Rogin**. I think the Federal Government's collection of demographic information, and compilation of reports of convictions on child sexual abuse crimes, would be a very valuable resource for every State.

Chairman **Rangel**. We have to ask that the day care center accumulate this information.

Ms. **Rogin**. It may be the child care center, it may be the State officials who are involved in that conviction. We would be happy to look at that element.

Chairman **Rangel**. We would appreciate your looking at any element to assist us with some type of decision. We are going to try to get more money earmarked—which again follows your theory, we shouldn't earmark the money according to your theory—we should just give the money to local and State governments and they should decide what they believe are their priorities. If they decide they don't want day care, under your theory, if the Federal Government should say if you want day care, you get it, if you don't, you don't. Because after all, you are closer to the State governments than the bureaucrats in Washington.

Ms. **Rogin**. We submit that the problems related to child care and the problems related to potential child sexual abuse are very much a local problem, too. I suspect that the data that we can collect and are able to analyze is going to reflect very, very different patterns both of day care utilization, and child sexual abuse regardless of the setting in various States, just by the nature of the population base in that State.

Chairman **Rangel**. I am saying that once you accept your argument then it is logical to assume that if it varies and it is different and local government and State governments can best resolve it, the temptation is there to say then you raise the money for it. This is exactly what this administration is saying. They are prepared to reduce the Federal locations to local and State governments but they also are prepared to tell Governors and mayors that they are not going to attach strings to it. There won't be bureaucracy, red tape, forms, and applications, but if you do decide that there are special things you would like to do because of special problems, then you pay for it.

I am saying that since this is one of the few programs that the Federal Government is still involved in indirectly that it appears as though the members will be saying that we do want some minimum standards involved and it would be helpful no matter how local the problem may appear if you could assist us in drafting it in such a way that it does not do violence to your professionalism and expertise.

Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman.

Ms. Rogin, I note that you are executive director of an association representing a very large segment of private day care which is comprised of 200 companies involving 250,000 children. The responsibility and the size of your management of these companies is of course enormous. You have a very important stake in what is being done and what is being said here. You say that you resist any kind of Federal regulation, but to say that is typical of anybody who comes to Washington because nobody wants to be regulated by the Federal Government. I don't hold that against you. But I want to share a couple of observations with you:

If I were to form a company operating day care centers, would I choose, assuming there are no Federal regulations, a State that has less and fewer regulations than a State like Arkansas that has an abundance of regulations? How would you answer that?

Ms. ROGIN. For the most part, site selection is done by our member companies right now on the basis of the needs of young working families, the numbers of children they have and the numbers of two paycheck families.

Mr. GUARINI. All States have clusters that could be comparable. Would you think that it would be more fitting for some entrepreneur to go to an area where he doesn't have all the regulations to worry about from that particular State?

Ms. ROGIN. Those elements of the regulations tend to be somewhat uniform across the country, the kinds of reporting, monitoring and inspection requirements that are included.

Mr. GUARINI. Have you done any studies where the day care center companies would be operating? Are they in the higher regulated States or are they in the less regulated States today?

Ms. ROGIN. Today it is about even. Five years ago they tended to be in States that had less stringent regulations, a function of the fact that families frankly could not pay quite as much for full week, full day child care.

Mr. GUARINI. As a matter of principle for your organization, have you ever resisted State regulations or have you ever sought State regulation?

Ms. ROGIN. We have sought State regulation. Our members as individual corporate entities, as well as in conjunction with State groups, have worked closely with State licensing agencies to go and modify existing regulations. As I mentioned before, we support comprehensive State licensure for all entities regardless of where they are located, that care for children in groups.

Mr. GUARINI. Is it the policy of your organization to seek regulations if nonexistent or to step up regulation if you feel there is a void?

Ms. ROGIN. Our organization does not function at the State level, our individual member companies interact at the State level——

Mr. GUARINI. So as an association, have you ever resisted State regulation as an association?

Ms. ROGIN. No.

Mr. GUARINI. Have you ever appeared before any State bodies or done any lobbying before any groups?

Ms. ROGIN. No.

Mr. GUARINI. Assuming hypothetically that I have a day care center and I am in it for money as an entrepreneur and there is an incident that happens within my day care center. You would admit I have a very serious public relations problem, is that correct?

Ms. ROGIN. A serious problem, yes.

Mr. GUARINI. As a businessman my tendency would be to hope the problem would go away and sweep it under the rug, or would I bring it to the attention of the authorities?

Ms. ROGIN. You would bring it to the attention of the authorities immediately. With five centers you have five times the investment in the business.

Mr. GUARINI. What is the policy, because I am asking you this in a friendly way so I can understand, because it is a delicate, sensitive thing.

Ms. ROGIN. It is, and not being involved in the centers myself, I can't tell you exactly what the procedures are and the logical order. I do know that any suspected case or allegation is reported immediately to State licensing officials as well as to protective services.

Mr. GUARINI. Does your association have any standards for screening personnel who work in the day care centers?

Ms. ROGIN. No; our individual companies have their own standards. We do not have any industrywide standards.

Mr. GUARINI. Do you have any statistics as to whether or not in your group of 250,000 children that you presently have today in various private day care centers, are any larger or smaller than the amount of child abuse and sexual abuse of children than in the public sector?

Ms. ROGIN. We have no statistics.

Mr. GUARINI. Do you make any effort to maintain any statistics?

Ms. ROGIN. We are planning to. This issue has moved so quickly and I think it is something that needs to be addressed at the Federal level. We can make some contribution from our membership but I don't think that is enough.

Mr. GUARINI. Do you think that the Federal Government can make some contribution to see that a uniform arrangement is made to assist private industry people in this endeavor as well as to protect the young children?

Ms. ROGIN. Absolutely, in that instance, we are talking about data collection and some kind of procedure that would enable all of us to access valuable background information about prospective employees.

Mr. GUARINI. What else do you think the Federal Government should do? I am sure that your association has given thought to this and you have a position. Besides collecting data what other effective State attitudes or positions do you think the Federal Government could be helpful?

Ms. ROGIN. At this point in time I find that question very difficult to answer. We have stated here, and I truly believe that imposition of regulations is not addressing a horribly serious problem. I really feel that the imposition by the Government of regulations for child care centers is going to involve a tremendous amount of effort, a tremendous number of dollars. In two of the pieces of legislation that have been introduced in Congress, there are no dollars even attached.

Mr. GUARINI. How are you going to keep people who are undesirable out of your day care centers where some States hardly have any regulations at all?

Ms. ROGIN. I think you have to look at the motivation of people who are hiring, firing and employing people.

Mr. GUARINI. The motivation of an entrepreneur is to be able to hire people for as little as they can pay them and make as much money as they can. That goes with General Motors as well as day care operators.

Ms. ROGIN. And going along with your previous point, also keeping themselves in a position of providing the level of quality services that they have promoted and to keep themselves out of the limelight, the point that you made previously.

It is absolutely of primary importance to each and every one of our companies at this point in time that they be able in their hiring practices to get as much information as they possibly can about potential employees.

Mr. GUARINI. Because they are in the spotlight now. When the spotlight goes away, don't you think that the incentive will go away so then what? In other words, we have a national spotlight on the problem now. You can take a position of weathering the storm and hope that the storm blows over and goes back to where things were before, or you do something about it.

Ms. ROGIN. Some of the things that we could do relate to the fact that at this time an FBI background check can run as much as $38, if you are even allowed to conduct that. When you look at a company that employs 11,000 individuals who care for children during a week that is an enormous cost. But at the other end of the scale, the one center that has five employees and needs to replace three of them is going to have an equally difficult time paying $38 per each of the three new employees to get some kind of assurance that at least there is not a record on file.

Mr. GUARINI. So you think that a person in business should not, if he has a very small organization and it is a financial hardship for him, not pay the $38 for an FBI check?

Ms. ROGIN. They can pay it.

Mr. GUARINI. Suppose they can't afford it. Should they be in the business of child care or should they close the door because they can't afford the minimum FBI check?

Ms. ROGIN. I would say that any center that cannot afford the $38 is in real jeopardy.

Mr. Guarini. You are saying that everybody in your association should be able to have a police check——

Ms. Rogin. Probably so, but looking at the full range of licensed centers out there, I think it would be very, very difficult for centers around the country to be able to afford that on a regular basis.

Mr. Guarini. What would be your recommendation if they can't afford it.

Ms. Rogin. One of the things we suggested would be a national hotline to which convictions could be reported and which could be accessed by State officials and child care providers.

Mr. Guarini. I suggest to you that that is after the fact. We are trying to get preventive medicine going here. We are not trying to solve a problem through the criminal prosecution process. We are trying to get head of the problem so it won't happen. So far I haven't heard anything from you that was preventive in its nature. You are leaning on the legal procedures and the criminal process more than what the sense of our hearings is, as to how we can stop this from happening to our young children.

Ms. Rogin. Our feeling was that the incorporation of parents and the training of providers addressed the issue in an active kind of way.

Mr. Guarini. That is a fallback. I agree we should have better education, better training of parents, and work to eliminate our social problems, but that is not the reality of life. We will always have social problems and inadequacies. What we are talking about here is how can you afford through your organization, which is a responsible organization, to give better protection to 250,000 children in America? I haven't heard anything positive yet.

Let me ask Ms. Manning, who I want to thank and who comes from my State. Who I know the good work that has been going on in the private day care centers that you have had, which are nonprofit, in Paterson. What is your position concerning Federal regulations and more regulation of day care centers, which are being operated by the Catholic Charities in New Jersey? Is there an official position as to how Catholic Charities feel about regulation?

Ms. Manning. Not that I know of. I have submitted testimony from my superior, Father Robert Vitillo, who addresses the concern of the New Jersey Catholic Conference, which he is a member of.

Mr. Guarini. I also want to acknowledge that testimony of Father Vitillo, a Roman Catholic priest and professional social worker, with the Conference of Catholic Charities, which he has attached to your testimony. We will put this in the record as a matter of official record.

Ms. Manning. Thank you, Congressman.

Mr. Guarini. Do you welcome regulation?

Ms. Manning. Yes.

Mr. Guarini. Of your activities?

Ms. Manning. Yes, constructive criticism and constructive help can only make good programs better. Those who have to be concerned would fight against it. Regulation always means paperwork I know. Regulations mean dollars. I am not here to represent the many people I have gotten input from to say yes, give us more work today, without you attaching dollars with which that work can be done.

You will hear from Commissioner George Albanese, who is with the State department of human services of New Jersey later on, and I am sure he will tell you the same thing. I would like to do what we can to ensure the safety of the children under the department of human services. He can't without the dollars.

Mr. **Guarini**. I thank you for the good work and for the 14 points which you brought to our attention, which is a very thorough and exhaustive report of the various aspects of the problem that needs our attention. Of course you have the experience at the community center which has excellent day care service, a full program for children. It goes into not only day care but nutrition, the camps, the various athletic programs and various prevention programs.

Do you get the cooperation of the police in New Jersey as you should, with regard to requests that you make for information on individuals who are applying for jobs?

Ms. **Manning**. Locally?

Mr. **Guarini**. By State or local authorities?

Ms. **Manning**. I think it was Commissioner Albanese who told me recently that our State police had been defunded so that they have not been able to provide us with any checks across the county lines.

Mr. **Guarini**. Therefore you can't get checks in New Jersey?

Ms. **Manning**. Not across the county lines. The only availability I have is that it is the philosophy of our agency that since Federal money comes into the community we recycle that money back into the same community, so my staff is local. But anything that they have committed a crime from another county or another state, I will have no access. All I am permitted to do is ask them.

Mr. **Guarini**. So that if a criminal comes in and applies there is no way for you to find out about him?

Ms. **Manning**. Unless it is local. We have an agreement with the local police, but not anything across county lines.

Mr. **Guarini**. Is that true in Wisconsin also?

Ms. **Adams**. We do not have a requirement for police checks now in day care centers. The county social services departments across the States will access the State registry of child abuse and neglect and they will make that information known when operators ask. I want to emphasize that States are at different developmental stages in all this. They were not used to this in 1981 and 1982. They didn't know that their State laws would be so subject to comparison. They always thought we just did what they could and I think the developmental stage is something you need to keep in mind.

That is why there is a need for Federal modeling of legislation, careful assessment about what is proper, what is not proper, what can be eliminated, and I think only the Federal Government can do that. We tried it from 1970 to 1980 and didn't make headway, but I think you can do that. In Wisconsin there is not a requirement that there be a police check. They have to check driver's licenses.

Mr. **Guarini**. If they want to check, can they?

Ms. **Adams**. Yes.

Mr. **Guarini**. Do the authorities in Wisconsin comply if asked for a fingerprint check and a background check?

Ms. **Adams**. The State department of law enforcement authorities will work on that with them, but it is not asked for much. Local operators don't even think about that question very much, and they should.

Mr. **Guarini**. Ms. Rogin, of the people who are employed in the 200 day care companies—one of which you said had 11,000 employees, do you know what the average wage is of these people? Is it a fact, as has been testified to today, that they are grossly underpaid where many of them are getting only $8,000 or $10,000 for the work that they are doing? What are wages in the private for-profit sector like?

Ms. **Rogin**. No different than wages in the private nonprofit sector. We do appear to have a wider range of employee benefits that are offered to the employees in the companies just by virtue of the fact that they are working for larger corporate entities.

Mr. **Guarini**. But it is a fact that throughout the whole day care center operation, private and public, that there is gross underpay of the people?

Ms. **Rogin**. Many of the entry jobs are minimum wage.

Mr. **Guarini**. All right, thank you.

Chairman **Rangel**. Ms. Rogin, the Congress, and certainly other legislators, have been accused of overreacting and really not doing our homework and preventing this type of abuse from occurring, at least to such an extent that it appears to be more blatant than we thought it was.

How long have you known this type of thing to have been occurring and if you did know through your experience with the national association, what have you done to bring this to the Federal Government's attention?

Ms. **Rogin**. The first time in the 13-year history of this industry, the association itself is 10 years old, that any incident of sexual abuse had ever been brought to the attention of the organization was following the incident in Manhattan Beach, CA.

Chairman **Rangel**. That is hard to believe.

Ms. **Rogin**. That is correct.

Chairman **Rangel**. That is very difficult to believe. Are you a social worker?

Ms. **Rogin**. No.

Chairman **Rangel**. Well, we have had social workers just giving us hell this morning, that they have been down here struggling to get our attention and that we have been so busy resolving the world problems that we didn't pay any attention to them. I assumed that you would be listening to them.

Ms. **Rogin**. I submit that perhaps they were not talking to us. We were not even vaguely aware—let me restate. We were aware of the potential for a problem.

Chairman **Rangel**. Well, as long as you have people there is a potential.

Ms. **Rogin**. Right. But beyond that, we, as an industry, really had not had occasion to even look at the potential as an industry for this problem and——

Chairman **Rangel**. As an industry, now that you have seen that it has gone beyond the potential, what have you done within the industry?

Ms. ROGIN. The industry is meeting right now to look at some way of determining if there is in fact any degree of a problem within our member centers. If there is, we intend to address that.

Chairman RANGEL. How?

Ms. ROGIN. Through materials, through education and information. That is the function of an organization such as ours.

Chairman RANGEL. I assume that the association is a for-profit group and to a large extent your responsibility is to protect the image of the industry?

Ms. ROGIN. We are a not-for-profit organization. We are a trade association, 501(c)(6).

Chairman RANGEL. Well, what is the function of the association? For what purpose are you formed?

Ms. ROGIN. The organization was formed to promote and enhance the professional management of licensed child care centers in this country.

Chairman RANGEL. Well, you are not making much of a contribution in terms of assisting us as to how to wrestle with this problem except to say "Stay out of it."

Ms. ROGIN. Well, I think that we need to address our concerns beyond the walls of our centers.

Chairman RANGEL. Child concern kind of goes beyond the walls of your centers too, but I am just saying that if associations such as yours insist in saying that you don't even know there is a problem, and the best we can do for those little kids is stay out of it, that causes political bodies to overreact.

If you are saying "Leave it up to the local and State," this is not the forum to say that to.

Ms. ROGIN. I hope that that is not what our written testimony——

Chairman RANGEL. You say we should educate and the parents should know better how to take care of their kids, and you believe some legislator that said if the parents thought their kids were in danger, they wouldn't sit on their hands. We depend on people like you to give us the benefit of your knowledge so that we can protect the kids.

But if you are saying that 38 bucks is too much, tell me that the investigation won't do anything, but don't tell me that $38 for someone that could hurt a kid is too expensive. Say that you just don't believe the investigation would prove anything, but—I read your statement twice, and you are saying just stay out of it and leave it up to the parents and local and State governments.

I don't see anything here that says anything differently, and I am rather surprised that even though we are embarrassed with the ignorance of the collective Members of Congress that we have not reached out and discovered this abuse on our own, I think that most all of the witnesses, no matter what area of day care they come from, have indicated that it is the Congress that has not moved or it is the State legislators that have not moved, but this has been far more than just a potential problem for kids. And the reason why the first panel and even this panel has been on for so long is because we have gone through a very educational process, and your testimony would indicate that you too have been the beneficiary of an education.

Ms. ROGIN. Without question.

Chairman RANGEL. Well, we had thought, in calling you as a witness, that you would be among those educating us, but we do hope that since you are aware that you might come up with some ideas other than the ones that you have and other than saying that we should stay out of it, to find out how we can give some guidance along with the Federal dollar so we can at least say that we have tried.

Ms. ROGIN. We would appreciate the opportunity to talk with you further, Mr. Chairman.

Mr. GUARINI. Mr. Chairman, you and I sit on the Ways and Means Committee, and we are very concerned with the Tax Code, which is our charge and responsibility. I understand that your organization is a 501(c)(3)?

Ms. ROGIN. (c)(6).

Mr. GUARINI. All right. And that is just a nonprofit organization, but you do lobby, and you do, of course, represent the best interests of the private companies that are in the process or business of making money?

Ms. ROGIN. Providing quality licensed child care.

Mr. GUARINI. OK, thank you.

Chairman RANGEL. Yes; well, that wasn't clear. You are nonprofit, but the people you represent are for-profit?

Ms. ROGIN. Are for-profit entities.

Chairman RANGEL. That is what I thought. So my colleague asking all these ridiculous questions about the standard of pay really won't apply—we shouldn't expect any answer that they are below average from the for-profit associations, because they are looking for the profit, not just high wages and salaries, right?

Ms. ROGIN. They are looking for a fair profit, and an opportunity to serve a new social need in this country.

Chairman RANGEL. The day care workers, are they involved with unions?

Ms. ROGIN. No; not at this point in time.

Mr. GUARINI. The point is your association is a tax-exempt organization, isn't it?

Ms. ROGIN. That is correct.

Mr. GUARINI. And, therefore, it enjoys all the benefits that other tax-exempt organizations do, such as the Salvation Army and Boys Town and the Olympics enjoy, except you represent business?

Ms. ROGIN. That is correct.

Mr. GUARINI. Mr. Chairman, I think we ought to look into this one of these days in one of our oversight hearings.

Chairman RANGEL. Thank you very much.

We need your help in this matter. We are searching for solutions. The record will remain open for any additional comments that you have, and we thank you so much for your testimony.

Now, from the sovereign State of New York, the New York Department of Social Services, Commissioner Cesar Perales, formerly with the Federal Government in this area, no stranger to redtape and bureaucracy; George Albanese, director of the department of human services; and Doby Flowers, the deputy administrator for the New York City Agency for Child Development.

We are sorry that we are running so far behind in our schedule, but since I see that all three of you have been here, you can understand what has happened to the committee. As I indicated earlier, the full testimony of all three of you will be entered into the record, and at this point I would ask you to digest it and to highlight it for me.

Commissioner Perales.

STATEMENT OF CESAR A. PERALES, COMMISSIONER, NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES

Mr. PERALES. Mr. Chairman, Congressman Guarini, my thanks on behalf of myself and other State administrators, and I think I speak for Commissioner Albanese, for this opportunity to address you on a very critical issue that States have been dealing with for some time, and I think most of us would welcome the involvement and help of the Federal Government.

In keeping with your instructions, I will basically abandon my prepared remarks and try to respond to some issues raised by prior witnesses.

First of all, I am compelled to state for the record that New York does have rather stringent licensing requirements and in that regard you ought to know that when we talk about licensing requirements, I think we talk primarily about how many square feet you need for each child, the staff to child ratios, the educational requirements of staff, and that is basically what we talk about when we talk about licensing, and that is the direction I think the Federal Government was moving in not too many years ago in trying to set national standards.

I am also proud to say that Governor Cuomo recently signed into law legislation that would require that all new employees in day care centers would be screened through our child abuse central register, and New York State does maintain a 24-hour hot line where allegations of child abuse are reported and where we have some rather strict requirements about investigating those allegations very, very quickly.

Let me say that I think that this type of law is extremely necessary and I would expect that as a result of the recent scandals that more legislation will be enacted in the State of New York when the legislature convenes again at the end of this year.

But I don't want to dwell on some of the things said here about the need for day care, the fact that society has been changing, and I don't want to focus on the need to screen day care workers, because although I would be pleased to respond to those questions, again, we are doing some of that in New York State and expect that there will be some more legislation in that area.

Let me quickly say that in New York State we are implementing what we think is a good plan of action which focuses on the prevention of child abuse. The components are increased parenting involvement in identifying and maintaining quality day care, more intensive training for day care center employees and their boards and the creation of educational materials to aid children in avoiding potential sexual abuse.

I think what we need from the Federal Government is increased funding to assist us in carrying out this plan. An important vehicle in this approach, for example, would be the creation of regional child care resource centers. These would serve as sources of professional expertise, materials and equipment to help both staff and parents to get the day care the children receive and these centers could assist parents in selecting the child care arrangements best suited to their needs.

These centers would also lead to a greater licensing of centers. We have not talked too much about the fact that so much of child care goes on in unlicensed facilities, and one of the approaches has to be to make sure that we get as many of these day care centers and institutions licensed. Training can assist parents themselves in selecting a day care program carefully and monitoring after the child is enrolled and frequently talking to the child about activities at the center.

An army of day care inspectors cannot substitute for parent involvement. Increased training opportunities must also be available to day care staff. Staff can be trained to critically evaluate and assist fellow workers in an effort to enhance program quality. Resource centers can provide this type of assistance and training.

Again, I can't emphasize the fact that Federal support for these types of resource centers is desperately needed.

Finally, the Federal Government might dedicate funds to developing materials to help children avoid potential abuse. New York State has produced an effective public service announcement for youngsters which instructs on the differences between "good touches" and "bad touches." However, I think we can do more in that area. The need for Federal support for these efforts cannot be emphasized enough.

Drastic cuts in services have hampered our ability to respond in this area. New York's social services fund decreased from $14 million in 1979 to $4 million this year. From 1979, training in day care specifically was supported by $4.8 million in Federal funds. This year, only $720,000 was available.

The programs I have described involving resource centers, parent and staff training and materials to instruct young children are no guarantee of preventing isolated instances of abuse in the future. However, the likelihood of such incidents should be substantially reduced.

So far the responsibility for these solutions has fallen disproportionately to States and localities. The problem is a national one. The responsibility for solutions must be borne proportionately by the Federal Government. What we are protecting is a national resource. The well-being of future generations cannot become only a State and local matter.

I would like to have my entire testimony made part of the record.

Chairman Rangel. Without objection.

[The prepared statement follows:]

STATEMENT OF CESAR A. PERALES, COMMISSIONER, NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES

Congressman Rangel and Congressman Miller . . . Thank you for giving me this opportunity to address you today on the critical issue of preventing child abuse in day care settings.

Reaction to recent publicity about sexual abuse in day care centers in New York State, as well as in California, has focused on the need to screen day care workers caring for our children. While we are not at all opposed to this course of action, we believe that recent events must also focus on programmatic enhancements in day care which will improve its quality while, at the same time, preventing incidents of child abuse.

I cannot emphasize enough the importance of providing quality day care. Thousands of families rely on it for their economic survival. Almost half of all mothers with preschool age children work. Nationally, it is estimated that 10.4 million children under age six will have mothers in the labor force by 1990, a 63 percent increase over 1977 levels.

The parents of these children turn increasingly to day care to provide safe, educational environments in which their children can grow.

Any hint of abuse in these settings is not only frightening; it is intolerable. However, I would guard against letting recent publicity taint the day care system as a whole.

Of the nearly 75 thousand allegations received by New York State's Child Abuse Registry last year, less than one percent involved sexual abuse in day care settings. The vast majority of abuse occurs not in institutions but rather in the home. These statistics do not minimize the seriousness of the problem, but the parents of the 130 thousand children in day care in New York State should know, that with few exceptions, their children are being well cared for. In fact, New York State has a long tradition of quality day care, and indeed, was the first state to establish basic standards and a licensing process.

Screening of day care employees is an importent line of defense against abuse but it is not enough. In New York State we are implementing a three-point plan of action which focuses on prevention. Components are: increased parent involvement in identifying and maintaining quality day care; more intensive training for day care center employees and their boards; and the creation of educational materials to aid children in avoiding potential sexual abuse. What we need from the federal government is increased funding to assist us in carrying out this plan.

An important vehicle in this approach is the creation of regional child care resource centers. These would serve as sources of professional expertise, materials, and equipment, to help both staff and parents enrich the day care that children receive.

These centers could assist parents in selecting the child care arrangements best suited to their needs. An army of day care inspectors cannot substitute for parent involvement. Training can assist parents in selecting a day care program carefully, monitoring it after the child is enrolled, and frequently talking to the child about activities at the center. This can eliminate most risks.

Increased training opportunities must also be available to day care staff. This should include workshops and assistance in securing equipment and materials to enhance program quality. Resource centers can provide this type of assistance.

High turnover among staff is a matter of deep concern. We know that continuity in caregivers is a key ingredient in a quality day care program. Clearly, the fact that day care staff are underpaid contributes to this problem. Day care staff directly affect children's physical, emotional, cognitive, and social well-being. We must be willing to pay a wage which reflects the importance of the staff, and attracts and retains qualified people.

Finally, the federal government must dedicate funds to developing materials to help children avoid potential abuse. New York state has produced an effective public service announcement for youngsters which instructs on the difference between "good touches and bad touches." However, we must do more.

The need for federal support for all of these efforts cannot be emphasized enough. Drastic federal cuts in services and training dollars available to New York State have hampered our ability to respond in this critical area.

New York State's social services training funds decreased dramatically from 14 million dollars in 1979 to only four million this year. In 1979 training in day care specifically was supported by 4.8 million dollars in federal funds; this year only seven hundred twenty thousand dollars is available.

The programs I have described involving resource centers, parent and staff training, and materials to instruct young children are no guarantee of preventing isolated incidents of abuse in the future. However, the likelihood of such incidents, not only in day care centers but in other things as well, should be substantially reduced.

So far the responsibility for these solutions has fallen disproportionately to states and localities. The problem is a national one. The responsibility for a solution must therefore be borne proportionately by the federal government. What we are protecting, after all, is a national resource. The well-being of future generations cannot become simply a state and local matter.

Thank you.

Chairman **Rangel**. Congressman Guarini.

Mr. **Guarini**. Mr. Chairman, I would like to welcome George Albanese, the director of the department of human services, and take this opportunity to say that we have here a very outstanding, dedicated public official. Although we are the opposite in political faiths, I have never enjoyed working with someone or had more cooperation than I had from George Albanese.

When we had a hearing in New Jersey concerning the hungry and the homeless, the director was with us. He has been there for every cause. We certainly know that child abuse has no politics, and I welcome you here wholeheartedly and say that I am very proud to be associated with you.

Chairman **Rangel**. I would like to join in that. The State of New Jersey under your leadership was instrumental in getting my city of New York to do what they should have done before we had a conflict with those unfortunate people who find themselves out homes. Because of your expertise, it allowed politicians such as Congressman Guarini and myself to get out of it and let the professionals work out what would be in the best interest of our clients and constituents.

Mr. **Guarini**. George, you better quit because you are ahead.

STATEMENT OF GEORGE J. ALBANESE, COMMISSIONER, NEW JERSEY DEPARTMENT OF HUMAN SERVICES

Mr. **Albanese**. I am enthusiastic about being here today because of your participation, because in working with you on the homeless situation, we got action from you, and I thank you for your cooperation and enthusiasm in helping those less fortunate.

I have come here today really to stress the importance of day care, as Governor Kean did 2 weeks ago and in our State to commend the day care community. It is extremely important in protecting our future. It is responding to a changing family structure and the demand is tremendous.

We talked about low pay and grand expectations, and that is in the day care industry. I am also here to support processes such as fingerprinting all people that have control and discipline associated with children. I am here to support criminal history checks. I am here to support licensing in our State as well as New York. We are working on perpetrator files, with a strong emphasis on due process, because those people involved in that file will not have been convicted of child abuse.

But I really want to stress this point. Don't let our guard down as a result of those processes. Don't create a false sense of security. Once we fingerprint someone, once we do a criminal history check, that we all can walk away from protecting our children, because we know in New Jersey, from our statistics, very few people involved in child molesting have backgrounds, criminal backgrounds.

Likewise, licensing in the State of New Jersey, although it deals with life safety, programmatic activities, right now we are waiting for State legislation that will allow us to do criminal history checks. That is not going to safeguard our children.

What is more important, that we keep emphasizing community education and awareness, and the education of our children. That is the real safety net for our children.

I use the example of an individual arrested not quite a few months ago in one of our State institutions, to give you an idea of the kind of person we are talking about. This individual in the State psychiatric facility for children could be characterized as one of the most outstanding employees, outstanding references, across this country all the way from San Diego, most liked, most trusted by parents, staff and children, and that is how he operated, because with that kind of personality and background, he would go to a file and look for children who had a background of lying, and that was his prey, because no one would believe the child. They would believe that individual with the outstanding personality. Probably we could say that it is the most trustworthy of individuals sometimes we have to be concerned about.

We think awareness is important. At the beginning of 1983, Governor Kean created the child abuse task force that resulted out of a meeting that I think was very important in the State of New Jersey. When I came on board 3 years ago, I found something very unusual. Child abuse and neglect in the State of New Jersey for the most part was not being addressed by the criminal justice system, by the law enforcement people.

In 1974, after our Child Abuse Act was passed, the community law enforcement walked away, and it was the feeling to leave it to the division of youth and family services caseworkers. So we convened a meeting with prosecutors of the State of New Jersey. In fact, many of them did not even have an investigator assigned to child abuse.

Today I am proud to say that that prosecutor working group has put together standards. We cross train our personnel between the social service system and law enforcement. We are using the background, the expertise of trained investigators through the 21 prosecutors in the State of New Jersey.

We have also done something else in a learning experience, that in doing investigations, we must have units that maintain objectivity. In the case of Mr. Grizzard, he had mesmerized the entire staff—this is the person at Arthur Brisbane psychiatric facility—to the point where they didn't believe the child but they believed Mr. Grizzard. The unit we propose goes in objectively and looks at the situation with the prosecutor's office. If in fact the head of that facility would have followed that administrative order, those children might not have been put at risk the length of time they were. That was the failing of an individual to implement the system.

In the State of New Jersey we believe more in training programs, training programs on the law and child abuse. We find that many people are not aware of their legal requirement to report any allegation of abuse within an institution or in the family setting or in the community setting.

We most recently expanded licensing to all of our day care facilities in the State of New Jersey, whether they are religious or not, and that is a very important step in the process.

We strongly believe in the process of strengthening the State requirements for parent involvement. This has been mentioned before, but as we go through many things that I have outlined in my formal testimony, one of the things that we would like you to consider today is that we have had a tremendous demand in the State of New Jersey and this country for day care, and yet we have had shrinking resources.

In 1981 we had $99 million in title XX. Today, although we are climbing back, we have $87 million. That doesn't even account for inflation, for the problems of dealing with our very vulnerable children.

When we talk about the legislation of Senators D'Amato and Hawkins, and Congressman Biaggi, we talk about licensing family day care. This is a problem. We have 40,000 family day care facilities in the State of New Jersey. We estimate that just to license those facilities we are talking about $9 million, just for that operation.

When we talk about FBI checks, which we think are essential, and you can have a great part in helping this, we are talking about $12 a check. We are talking of over 300,000 employees, whether they are teachers, day care workers, institutional workers to be checked through the criminal justice process. It involves a lot of money.

I have a saying that above all the complexities of performance lies the great leveler of dreams—money. Certainly we are feeling the shrinking resources and the increased demand in this area.

I would like to relate something that I really might have missed but I didn't hear today, and something that is of personal concern to me. No one has talked about the victim of sex abuse, a 5-year-old, a 4-year-old, the 10-year-old, who has slipped through the safety net that we are hopefully trying to construct rapidly. I think that has to be addressed.

Most recently, last year we put in a half million dollars to start counseling programs in the State of New Jersey, because we know from our sex offender unit in Avenel, NJ, that 80 percent of those in that unit were sexually abused when they were children. It is a fact that comes from the department of corrections, so I think we have to talk about the victim, those that fall through the net, and what can be done in that area.

When we look at institutional abuse versus overall abuse, the figures are relatively small. Based on the incident reports to date this year we project about 800 incidents of institutional abuse in the State of New Jersey. However, as a result of our awareness program, we are going to move from 26,000 incidents last year to 45,000 incidents this year, indicating that the problem is an overall problem, whether it is in the institution.

Most important, it is in our society, it is in our community, and it is in our families.

I would just like to take this opportunity to thank both of you for your interest in this subject. We certainly can use your support in the efforts to protect our future, and our future is our children.

Thank you.

Chairman **RANGEL**. Thank you.

[The prepared statement follows:]

STATEMENT OF GEORGE J. ALBANESE, COMMISSIONER, NEW JERSEY DEPARTMENT OF HUMAN SERVICES

Chairman Rangel, Chairman Miller, I'm here today because child abuse in day care centers is a troubling issue, and perhaps, the programs we've started in New Jersey in combatting these attacks on our children can be of some help nationwide.

I'd like to start by recapturing some of the statistics mentioned by New Jersey Governor Thomas Kean when he testified here just two weeks ago before the Select Committee on Children, Youth and Families.

These statistics show an American family in change and an American workforce in transition.

The percentage of women in the workforce has increased from 37.7 percent in 1960 to 53.2 percent today. According to the New York Times, 52 percent of children under six have working mothers. In Newsweek just last week, it was pointed out that over 26 million families in America have both parents working—a jump of almost four million in just eight years.

I don't want to belabor the statistics. You've heard them before. But they do point to the tremendous need for more Quality Child Care Services. In New Jersey, we're experiencing a dramatic growth in the industry.

The number of child day care centers has increased between eight and 10 percent a year for the last several years, and will probably continue at the same rate. In 1972, when the day care licensing authority was first transferred to my department, there were only about 600 centers licensed. Now, there about 1,700 licensed child care centers, serving close to 100,000 children.

As parents entrust the care of their children to these programs, they are increasing their demands for safety, quality and security.

In return, the child industry has, for the most part, met the challenge.

I want to commend the child care industry as a whole, for they have played a positive influence on today's children.

The New York Times was moved to proclaim in a September 13 editional about the child care industry, "it works."

However, there are times when child care doesn't work.

In New Jersey child care centers, there have been 83 reports of alleged abuse as of August 21, of which 12 were sexual abuse. In July and August alone, 32 suspected cases were reported. Our past experience has shown that upon investigation, about one out of every five alleged cases turns out to substantiated.

Clearly, the best chance to stem child abuse in our day care centers is to prevent occurences from happening through community awareness. In New Jersey, prevention is our main objective. We are taking an aggressive approach in fighting child abuse. We are proactive rather than reactive.

In 1982, the county prosecutors, myself, and the State attorney general established a working group of the prosecutors to deal with the problems of investigating child abuse. The result was the establishment of operating standards for staffing and procedures for prosecutors in each of the 21 counties. We've established ongoing training with prosecutors, department employees and police to facilitate communication while improving investigation skills.

Out of the actions of the working group, Governor Kean has commissioned a special task force to study child abuse, and to recommend action.

The task force is invovled in bringing into the battle various segments of the community, the business sector, providers, prosecutors and citizen groups.

With the cooperation of my department, the task force has mounted a public awareness campaign, which has been effective. In 1982, there were about 20,200 cases of reported child abuse. This year, we anticipate 45,000 cases. In August, we investigated cases involving 4,500 children. The increase, on part, is a direct result of increased community awareness. Reports of child abuse in day care centers increased from 69 last year to the 83 I mentioned previously.

These are not only actions New Jersey has taken.

Our first action was to reorganize our Division of Youth and Family Services to better meet the needs of our children and families in their local communities.

A centralized unit of trained investigators to deal with incidents of child abuse in institutional settings was established in 1983. This unit provided us with the ability to quickly move into centers, to assess the situation and take immediate action to protect the children. Just several weeks ago this unit moved into a center with problems and effected the closing of that center in 24 hours.

For the first time, there was a statewide child care conference jointly sponsored by the Department of Human Services and child care leaders to discuss an agenda for the 1980's. One workshop dealt with protective services issues in a frank and open fashion.

We have begun a training program on child abuse and neglect for employees of all 1,700 licensed centers. The training will educate all day care staff on laws of child abuse, the reporting requirements and symptoms of child abuse.

We are developing a community education program with the State PTA groups. This will include a series of articles in State PTA, newsletters and a series of workshops in every county. The purpose is to educate parents and get them involved in their child's day care centers.

This year, Governor Kean has signed legislation that expands our licensing authority over all day care centers. Licensing, however, actually deals with life safety and program requirements, and does not mandate a detailed criminal history check.

We plan to strengthen existing State requirements for parent and community involvement in the activities of child care centers.

And, we have formed an advisory council on child care to review day care needs, priorities, programs and policies and recommend actions.

This is a brief checklist of actions we have accomplished. Today, my department and the State are moving ahead with new proposals.

We have just applied for a $100,000 Federal grant to expand a successful parent aid program for families in crisis. The aim is to ease family tension and eliminate the potential for abuse.

We have introduced in New Jersey legislation to allow us to fingerprint and conduct criminal background checks of volunteers and people employed to work with children, including school teachers, institutional personnel and others.

We are requesting State funds to hire 507 child protective service workers and an additional 16 inspectors and support staff so that we can conduct more frequent inspections of child care centers.

And, we are now investigating the use of our central registry to develop a perpetrator file as a screening tool for those in the child care industry. This list would include, if implemented, all persons with substantiated cases of child abuse.

To ensure an individual's right are not violated, however, the Department is meeting with the American Civil Liberties Union, the State attorney general's office, and the State public advocate's office to address concerns on privacy and due process rights, access to files, and expungement procedures.

The importance of maintaining a list of substantiated perpetrators is evident in this statistic—80 percent of substantiated perpetrators of child sexual abuse for which information is available have no prior criminal record. Due to the judicial burden of proof required, criminal convictions for child abuse are difficult to secure; nonetheless, the attacks on our children continue.

All these things, however—the fingerprinting, the criminal history background checks, the increased licensing, the perpetrator lists—present a problem. If implemented individually, in isolation, they can create a false sense of security because we know, each of these methods will not in themselves stem child abuse.

It is important not to present this illusion.

For it is easy for parents to believe that their children will be safe when Little Johnny or Joanie is dropped off at the day care center or that Government can ensure that there will not be one more instance of child abuse.

But who is going to protect a child from someone like a man who was a part-time recreational assistant working at a child treatment center operated by my department?

He came to us with impeccable credentials from an employer in another State. He had no criminal convictions. He was well respected and loved by children, parents, and supervisors alike. However, it appears he may have committed child abuse in the past. And, he apparently has moved from State to State, finding work at child care centers.

He is under indictment in New Jersey now because he is charged with sexually assualting three boys at our center.

He is typical of abusers of children. Even though in 1983, substantiated perpetrators of child abuse in New Jersey were between 5 to 80 years old, the average age is 33.3 years, and 54 percent are between 26 to 45 years old. While most abusers are blue collar workers, who make up 33 percent of all abusers, the next highest category were students, 23 percent; unemployed, 21 percent, and white collar workers, 16 percent.

Abusers come in all lifestyles, some with the best of references. It is important not to build illusions that these people all will be stopped. We can't afford to let parents sit back with a false sense of security.

Because the involvement of parents, and the community, are the real keys in combating child abuse. It is going to take a total commitment to bring about community awarenss. That's the key to stem child abuse, it's going to take community education and awareness.

However, at the Federal level, there are some recommendations I'd like to make. Currently, some rigid federal regulations may in fact limit States' ability to fight child abuse. For example, regulations under the Child Abuse Prevention and Treatment Act, currently up for reauthorization, would appear to preclude the use of Federal grant monies for projects dealing with abuse by day care center personnel, school teachers and other less-than-24-hour caretakers.

Other regulations should be changed to clearly encourage, not inhibit, innovative methods such as the use of central registry information on substantiated perpetrators of child abuse, with appropriate safeguards, and sharing that information with other States.

FBI fees to conduct criminal background checks need to be eliminated. At present, the charge by the FBI is $12. There are approximately 300,000 persons employed in New Jersey that work with children. We estimate the total cost to conduct a complete background investigation of a prospective child care worker would amount to $24 each, including State background checks.

Senators D'Amato and Hawkins have proposed legislation in S. 2973 that would require State licensing of all child care providers, including family day care homes.

While we support the intent of this bill to protect children, New Jersey has about 40,000 family day care homes that are not subject to licensure, and bringing these under regulation would cost an additional $9 million. However, no funds are mentioned in this bill to defray the cost to States.

We need to provide even more training to educators, school and day care employees, parents and the children themselves to identify and prevent child abuse. But we don't have the staff to conduct this training. Federal training grants are totally inadequate on this issue.

Besides the disincentives already mentioned, there are financial restraints that hinder our attempts to stem child abuse.

We need technical support, and we need financial assistance.

For instance, funding for title XX and for title IV-B child welfare service programs and the Child Abuse and Treatment Act are inadequate. Title XX money is less than it was four years ago, and we received only $200,000 under the Child Abuse Prevention and Treatment Act.

Title IV-B monies have never been appropriated by Congress at authorized levels, and for New Jersey, have remained at about $4 million compared to about $51 million in State and local dollars for the same services.

Finally, much effort must go toward treating the victims of child abuse. We have crime victims' compensation for adults, but who is going to help children? For the first time, in 1982 we allowed $500,000 to local private non-profit agencies to provide counseling, support and assistance programs to sexually abused children.

As recommendations, then, the Federal Government should take a supportive, rather than a regulatory role with respect to the States.

The answer is not more Federal regulations or standards. But we need Federal regulations that provide for flexibility, and permit and encourage the utilization of innovative methods to attack child abuse.

While it is important to take every effort to deal with the tragic problem of child abuse in day care, I would be remiss not to point out that most child abuse occurs at home.

Of the 45,000 reports of child abuse that we will receive this year, 98 percent will involve child abuse in the family. The solution to child abuse must begin at home.

Chairman RANGEL. We will now hear from Ms. Flowers representing New York City. New York City has been well ahead of most of the States in terms of providing for child development. Recently there has been a lot of focus on abuses that have been found in our own day care centers as well as allegations of interference with district attorney investigation as well as penalizing those people who allegedly brought these cases to the attention of their supervisors. So that if you could clarify some of the problems or bring some answers to some of the questions that have been raised in the newspapers about our city system, it would be very helpful.

STATEMENT OF DOBY FLOWERS, DEPUTY ADMINISTRATOR, AGENCY FOR CHILD DEVELOPMENT, NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Ms. FLOWERS. I would first like to thank you for this opportunity of addressing this fine body, on a most important and very touching kind of subject. The child abuse which has been occurring, allegations in our programs as well as throughout the Nation, have been most shocking. You have read in the newspapers about conflict between the social services law as well as the criminal law this occurred in an effort to protect children.

In the case of the Bronx situation, the effort there by all agencies was first to protect the child. The city of New York, through the mayor's office, sent an agreement to all DA's as to the procedures to be followed in any investigation. What is actually needed may be changed procedures, but there have always been procedures in place as to the relationship between the social services agency and the DA's office. In that particular case, we have developed our chronology as far as alleged interference with the DA's office.

We had been accused of coverup. We had reported the incident to the State central registry immediately when the parent came to our office. As you may know, our office is only 10 blocks away from the DA's office, so within 10 minutes the parents left our office and went to the DA's office, so there was certainly no coverup, and we followed State law and procedures.

There was also the accusation that the perpetrator was tipped off. It is very rare that a mother comes to us and says to us, "My child has been molested and it has been medically substantiated." A staffperson of mine called the day care center to inform the director that such a perpetrator was in that classroom. Maybe in retrospect the worker, because of her desire to protect the child in that classroom, informed the director so as to have that teacher observed. That act was in the allegation accusing my worker of tipping the perpetrator.

Even though the director of that particular center questioned the teacher about the allegation, the alleged perpetrator did not flee, and in fact came back to work the next day, so in no way did it interfere with the criminal justice system.

I would hope in the future that relationships with DA's and the social services agencies are clearly understood, and that they are not standing around accusing each other when all our jobs should be to protect the child. That relationship is being ironed out between the Bronx DA and the city of New York.

These allegations of incidents have been a shocking experience to all of us, and it has been a most shocking experience to a well-developed child care system, and I would like to State for the record that, as many know, New York City is the first municipality in this Nation to ever commit local tax-levied dollars to the provision of child care.

New York has a long history of support of these programs. As you are aware, with the Omnibus Reconciliation Act, New York City lost $25 million which supported day care, and Mayor Koch made a commitment to make up every dime of that, so that no services would be lost.

In the aftermath, and not to say that we were not moving on this issue before, when you look at the rate of reports in our system over 2 years, approximately 2 years, we had gotten approximately 23 sexual allegations of which 6 were indicated. Since the incident in the Bronx, as to be expected, the allegations have increased by five times.

We have taken many actions to insure and enhance the quality of our programs. We have always had standards, the New York City Health Code, which guides day care in New York City, goes back to World War I. Our teachers are early childhood State certified educators. That means they have B.A. degrees in early childhood education, and our directors of our programs have master's degrees in early childhood education.

In terms of classroom staff, the group teacher is a licensed person. The assistant teacher must be 19 years of age, and the teacher's aide must be at least 18. Of course, we are reviewing all of our standards, in order to further protect or prevent these kinds of incidents from occurring.

To go into, in an outline form, actions that we are taking, and actions we certainly support on the national level, we are in the process of reviewing all of our standards, which we know are among some of the highest in the Nation. We too, even though we are very proud of our system, can become very chauvinistic, and over time not adequately review in order to revise and continuously strengthen those standards, and we are now engaged, we have engaged the Child Welfare League of America to work with us in that review.

Also we have amended every child care contract in the city of New York to require and mandate criminal background checks as well as clearance through the State central child abuse registry. Therefore we strongly support on a national level your efforts to give us access to criminal background checks.

Other areas we are focusing on are in legislative initiatives. As the commissioner from the State of New York has stated, the Governor did sign a bill which finally gave day care employers the right to access child abuse information from the State central registry. That bill will have to also be amended, because in the writing of the bill the language only speaks to day care centers, and we want that amended to cover Head Start Programs and family day care provides as well as their households.

I have mentioned the review of our standards, areas where we have completely reviewed our standards, that we are in the process of strengthening. I have mentioned the staff screening and selection. We have amended where we thought there were weaknesses in our child abuse procedures, and clarified the relationships between the DA and the human resources administration.

We are also looking at the provision of social services being restored back at the day care site. I stress that because day care is a service that has made a large impact on the lives of children and families.

As we look at this problem and the incidents of child abuse occurring in an institutional setting, we must also look at, in this day and time, the population who our programs are serving. These families are under a lot of stress, so the mayor has committed an additional $1 million to restore some function of social services at the day care center site.

Monitoring. I sat in the audience and heard one of the speakers say that this problem cannot be monitored, and it cannot be enforced, either. We support national standards, and we recognize that even though our standards are very high that if those standards are not enforced, those standards will do our children no good. We feel that standards can be enforceable and must be monitored.

We look to our guidance, your leadership, with the realization that we support national standards, and we want that and welcome that, and we welcome funds to help us do that.

I believe that we cannot look at this problem in a localized basis, because, as you know, people travel, and experiences of little children in a rural area of Mississippi can travel to any area of this country. So our resources and our future is dependent in developing all children in this country. And I am not chauvinistic to just worry about the children in New York, but the children in this country. We strongly support your efforts for minimal standards.

In our monitoring, we monitor programs on the average of five times a week. You must know that we service about 68,000 children in day care alone. Three thousand of those children are infants, 28,000 are preschool, and another 11,000 are in after-school programs. So our concern about the incidents of sexual abuse covers all the ages from 2 months to 12 years. Another 11,700 children are served in Head Start, so we have expanded our monitoring. Now we will have once every 3 weeks unannounced visits to all of our programs.

The mayor has also committed additional local tax funds to assure the expansion of monitoring, and local funds for that bill is up to over $3 million so far.

We will also establish an annual accreditation division in the agency for child development, where all programs on an annual basis will go through accreditation. That does not only entail licensing, which is done in the city of New York every 2 years, but it will also accredit the functioning of the corporate body, the curriculum, the health and safety. It will cover all components of the Child Care Program.

Education. We have developed a broad education process. I myself sent personal letters to all parents in our programs, and we are talking about over 40,000 parents, encouraging them to and informing them of their right to go into any center any time they choose. They should know that the policies of the city of New York require that to do business with the city of New York a day care center must have a parent advisory council.

We also sent in that package tips on how to identify child abuse, what constitutes quality day care, what parents should look for as they choose day care, and how to monitor their own child's center.

The mayor has also sent personal letters to all sponsoring board members as well as all staff of Head Start, day care, youth board, and community development agencies, encouraging the public to report suspected abuse as well as sending laminated cards with pertinent numbers by which people will feel free to report. A hot line has also been set up by the mayor as well as a post office box. So our effort is to tell the public, to err on the side of protecting children.

I have met with every sponsoring board in the city of New York around these issues, and will be proceeding to complete implementing such protections for our children.

Training. We have also launched a training program. We have developed and identified those populations that we will target. We will target boards of directors, staff, parents, as well as children. We have assistance from the Day Care Council of New York City as well as the New York Association of Black Psychologists. This comprehensive training program is geared to reach over 100,000 people involved in our programs.

I have mentioned also the social services, which we have in a local sense committed additional funds to put social services directly onsite in day care. We have also developed a child abuse unit within my agency that will not only be responsible for the reporting but the followup with the programs, and as you may be aware, we are not the investigators. We are subjects of investigative reports.

In that unit will also be child psychologists and pediatric nurses, so that that unit will be able to further train in the prevention of child abuse, be it happening in the home or in the institution itself.

The mayor will also appoint a task force which will look at this problem and will cut across all the expertise that we can certainly garnish, to advise the city of New York as to how we prevent this most horrible crime.

I have stated previously that we want to join with you in your efforts to further protect children, and I will reemphasize that there is a Federal role and a Federal responsibility in this area. We look at the funding for child care, and New York City is very different than a lot of other localities, by commiting its local resources to maintain the level of child care services. This fiscal year, Mayor Koch went further and expanded child care by an additional 2,000 slots with local tax levy funds. But there is a role for the Federal Government: there is a need for further training funds to come to the localities.

As the commissioner stated, the cuts in training have for my agency went from $6.5 million in 1980, to $600,000 today, at a time when educators are looking for better jobs, and therefore at a time we most seriously need it.

I must state that in dealing with this incident that so much training is needed. Because it may be the question asked how could this happen? Why weren't there indicators? This type of crime, with most trained professionals, early childhood teachers, we have not, and myself as well, been adequately trained to even accept that this can happen to a child in our institutions. It only takes, and you have heard testimony here of horrible kinds of things, but it only takes you sitting down where the abuse has happened in a home, for example, and you have called a parent in, when her little 4-year-old has a venereal disease, and it has been determined that that did not happen in the center but in the home, and that mother says to you or says to that 4-year-old, "This is the last man you will run away from me," it is a very sad situation, and I guess I get very emotional about it, because we must move to protect our children and we cannot be myopic and say this is just in the centers. Because you must realize that day-care service has been a major preventative and therapeutic program for children. We must enhance it. We must ensure that with public funds that we guarantee to the best of our ability that these children will receive the best. We must look further at the problem. We must go further to work with parents, so that not only are children safe in centers, but they are also safe in the home environment.

Thank you.

[The prepared statement follows:]

STATEMENT OF DOBY FLOWERS, DEPUTY ADMINISTRATOR, AGENCY FOR CHILD DEVELOPMENT, NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

SUMMARY

Day care represents a vital resource for working parents. The need for this service is growing in New York City. Publicly funded programs serve about 68,900 children annually. The City has spent $47 million to maintain its programs since the reduction in Title XX funds in 1981.

New York is taking aggressive action to prevent incidents of child abuse in day care and to ensure the safety and well-being of our children. This includes employee screening, legislative initiatives, review of standards, increased monitoring, education of program sponsors, staff, parents, children and the community as a whole, enhanced training, and appointment of a task force.

The City supports a strong federal role in expanding and improving the country's day care services. We urge the federal government to increase funding for programs, research and demonstration projects, and training to coordinate information on child abuse, for screening child care employees, and to take the lead in public education programs.

STATEMENT

I am Doby Flowers, Deputy Administrator for the Agency for Child Development of the Human Resources Administration (HRA) of the City of New York. I am pleased to have this opportunity to appear before you today to discuss the City's efforts to enhance the quality of publicly funded child care programs while at the same time preventing the abuse of children enrolled in these programs.

Day care represents a vital resource for working parents, without which many would be unable to continue employment. The need for day care in New York City is growing as the percentage of women who have children and also work is increasing. Between 1970 and 1980, the workforce participation rate of New York City women with pre-school children rose from 21.5 percent to 27.7 percent, and the rate for women with school-aged children rose from 44.6 percent to 50.5 percent. Nearly 50 percent of the parents of children in our program are working, while 11 percent are seeking employment and 17 percent are in school or vocational training. These programs provide both an important service for parents and provide a positive experience for the children enrolled. In light of the recent reports of child abuse in a few centers, we are taking aggressive action to prevent the recurrence of such incidents and to assure the safety and well-being of all children in the day care setting.

The day care services funded by the City of New York through HRA's Agency for Child Development (ACD) reach about 68,900 children annually. ACD contracts with approximately 350 non-profit community based organizations and 40 private operators to provide licensed group day care programs which serve 85 percent of the children. The remaining 15 percent are in licensed family day care homes, where individuals may serve up to six children in a private home.

ACD also administers the Head Start program, which serves 11,700 pre-school children. ACD provides technical assistance to these programs, monitors them regularly, reviews program information for licensing and relicensing by the City's Department of Health, and develops program standards. In addition, we estimate that at least 50,000 children in the City are served in private day care programs which receive no public funding.

Approximately 8,250 staff work in day care programs funded by the City and an additional 2,000 work in Head Start programs. These include teachers, assistant teachers, teacher's aides, maintenance workers, food workers and administrators. They provide a child care service which supports the individual child's social, emotional, physical and cognitive development. Children are afforded the opportunity to develop skills in areas such as reading, mathematics, language arts, and science. They are also given many opportunities to learn how to successfully interact with their peers and their environment. This comprehensive program which is implemented by State certified early childhood teachers is an investment in the future of our society.

We have maintained our day care programs despite major cuts in federal funding. Since the Omnibus Budget Reconciliation Act (OBRA) of 1981 eliminated special Title XX training funds and reduced the Social Services Block Grant by 25 percent, New York City has spent over $47 million in City funds to maintain the number of day care slots. We are proud of our record and are eager to work with you to seek ways to improve and expand this vital service.

Each incident of child abuse, wherever it occurs, is shocking but the despicable actions of a few should not totally obscure the enormous positive contribution of day care services. Our joint responsibility as elected officials and public administrators is to give the safety of children the highest priority and do everything to protect them while improving the overall quality of the programs.

INITIATIVES TO PREVENT ABUSE

The City is implementing several actions to prevent abuse, including tightened screening of current and prospective employees, a review with the Child Welfare League of America of our day care standards, which already are among the highest in the country, continuous monitoring, including site visits every three weeks, expanded training, and most important of all, measures to enhance parental involvement and education. I would like to outline our efforts:

EMPLOYEE SCREENING

All child care program contracts have been amended to require that current and prospective program staff be screened with the New York Statewide Central Register of Child Abuse and Maltreatment as was made possible by recent state legislation. The check on current program staff will begin on October 1, 1984 when the law becomes effective and will be on-going for prospective staff. Where indicated cases of abuse are found, persons will not be hired or retained. We will also check three references for every person prior to hiring.

We believe that all employees should be fingerprint checked for conviction records prior to being hired, and that current staff should also be fingerprint checked. We are developing legislation and procedures to accomplish this. Where conviction records are found, persons would not be hired or retained if the record bore a direct relationship to the duties and responsibilities of the position sought or placed the safety or welfare of children at risk. We will provide guidelines to programs on how to use the conviction information to ensure that hiring decisions are made with due consideration for the applicant's rights.

While screening the backgrounds of persons working in child care programs can be effective preventive measure, an abuser may not necessarily have a conviction record or a history of child abuse listed in the Statewide Central Register. Thus, screening alone does not provide the whole solution to eliminating incidents of child abuse. It is only one element in a comprehensive approach to preventing abuse in child care programs.

LEGISLATIVE INITIATIVES

The City has been active in promoting legislation to screen employees of day care programs in New York City. We will continue to seek the appropriate screening of other persons with child caring responsibilities. Initiatives we are seeking include:

State legislation to mandate screening the criminal conviction records of day care and Head Start employees, family day care providers and persons living in their homes, and applicants for day care licenses;

State legislation to expand current requirements for screening the New York Statewide Central Register of Child Abuse and Maltreatment to include Head Start employees, family day care providers and persons living in their homes, and applicants for day care and Head Start licenses; and

State legislation to allow access to detailed Child Protective Services reports for District Attorneys to facilitate prosecution and evidence gathering in child abuse cases, local departments of investigation to better monitor child abuse investigation agencies, and government agencies such as ACD which supervise day care programs for the purpose of presenting evidence at a disciplinary hearing by a day care center against an abusive employee.

STANDARDS

The Child Welfare League will be reviewing current ACD standards, including supervision, administration, personnel practices, nutrition and health, child abuse reporting, curricula, and parent involvement, and make recommendations for new standards or upgrading of existing ones. The League will also conduct a field review of the implementation of these standards, will identify areas requiring further strengthening, and will recommend reinforcement training for staff where necessary.

We have already identified from our own review a number of areas in which standards and enforcement could be strengthened. These include staff selection and screening, child abuse procedures, provision of social services, and parental involvement.

MONITORING

We have also taken measures to enhance monitoring. The City, through ACD, has always monitored day care programs. Where problems were identified, educational consultants worked with the program to rectify them. When serious and continuing problems were reported to ACD's central office, they resulted in more frequent visits by consultants. ACD has worked with progams to qualify them for licenses, a procedure which occurs annually for family day care homes and every two years for group day care. These licensing procedures require a review of many program activities and also involve health, fire and safety inspections by other City departments.

New measures include a review of day care program sponsors' personnel policies regarding hiring and termination of staff, centralized certification of personnel qualifications, unannounced site visits to each program by ACD field staff, an increase in educational consultants from 18 to 32 to allow visits to each program every three weeks, a review with program sponsors of the abuse and accident reporting procedures, and revision of the staff physical examination requirements to include screening for use of drugs and presence of venereal diseases. Increased staff costs of these measures alone will be $1.7 million annually.

ACD will expand its Program Assessment Unit to assess and accredit every ACD program annually. The unit will review all goals, curricula, sexual abuse and accident reporting procedures, parental involvement, staff qualifications and other standards based on the Child Welfare League's recommendations. These reviews will serve as the basis for corrective plans.

EDUCATION

We believe that educating every element of the day care community is critical in preventing child abuse: sponsoring boards, program staff, parents, children and the community as a whole. The City has mailed information packages to the 37,000 parents with children in day care and distributed almost 11,000 packages to Head Start parents. Information includes how to detect child abuse, how to get involved in the child care program, and what to do if child abuse is suspected. A parent hotline (staffed by social workers trained by members of the Mayor's Task Force on Rape) has been established to answer questions arising from the information package and to refer parents to the appropriate community resources for additional services.

A letter from Mayor Edward I. Koch has been sent to all program staff and board members of sponsoring organizations. This letter outlines the procedures to be followed if child abuse is suspected. In addition, all program staff will receive a laminated card which explains their mandated responsibility to report suspected abuse as well as the procedures for reporting, and they will carry this card at all times while on the job.

Additional information materials are being collected and/or developed for each of the target groups. Included will be a booklet listing psychological support resources, organized by community, to assist parents and children who have experienced an abusive situation

Meetings with sponsoring boards have been held to review their responsibilities in hiring and supervising staff. Additionally, all programs have been directed to meet with parents to share concerns about the safety of the children in the program. Board members, directors, and teachers will participate in these meetings.

TRAINING

For the last several years, limited resources have been available for training program staff in child abuse issues. In light of the recent allegations, a more intense and expanded effort is being developed.

HRA/ACD will mount a broad training program in cooperation with the Day Care Council of New York for day care board members, staff, parents and chidren that will include teaching them how to identify and report child abuse and neglect. A pilot training project will be tested in a small number of day care programs within the next two weeks and, if successful, will be expanded to other programs. In addition, the New York Association of Black Psychologists will develop a new training model to address the impact of the abuse problem on board members, staff, parents and children. These training programs will serve as the basis for the training academy for child care workers unanimously endorsed by the City's Board of Estimate.

Because this comprehensive target group includes over 100,000 people, the design, development and implementation of the training will be carefully structured and managed to ensure the quality of training as well as the maximization of resources to train everyone in the shortest period of time.

An important focus will be the development of an in-house capability to continue training after the initial effort is completed. This is necessary because of regular turnover within each of the targeted groups.

SUPPORT SERVICES TO PROGRAMS

ACD will also be adding a child psychologist and a pediatric nurse to its program development unit to design child abuse prevention programs. Another $1 million is being committed by the City to place child abuse prevention workers in day care centers that have a high percentage of children whose families are already enrolled in preventive programs.

TASK FORCE DEVELOPMENT

A distinguished panel of experts with wide expertise in dealing with the problems of children will be convened and asked to do the following:

1. Study the problem of child abuse, particularly as its affects child care agencies.
2. Determine what emotional and psychological support can be provided to families and children who have been affected by child abuse either directly or indirectly.
3. Suggest means of preventing future incidents of abuse through new policies and procedures in areas including but not limited to (a) training of staff, parents, and children on prevention and intervention strategies, (b) parent involvement in all aspects of their child's care, (c) child care personnel practices including hiring and supervision, (d) other systemic improvements in identifying and dealing with potential or actual abuse, (e) implementing current or suggesting new legislation, (f) modifying educational curricula to create self awareness on the part of children, especially with regard to their rights and responsibilities in the area of abuse, (g) increasing public awareness about the problem in order to dispel misconceptions and to suggest possible roles for the individual in overall prevention strategies as well as in specific incidents of abuse, and (h) identification of and help for possible child abusers.

THE FEDERAL ROLE

We have just received the legislation introduced by Senator D'Amato and Congressman Biaggi, S. 2973, the National Child Protection Act. The federal government must take an aggressive role in expanding and improving the country's day care services. Uniform definitions of services will bring coherence to the system. A national mechanism for organizing information on child abusers, with access for child care programs to screen employees, is a necessary measure for the protection of children. A national panel will help to sustain public attention on this critical issue.

It is critical that federal initiatives to set standards and improve services and training be accompanied by federal dollars. It is also essential to ensure continuity of service while we make changes in our day care programs and to be aware that day care services are developed to different degrees in various parts of this country and embody unique regional features. Federal initiatives should be sufficiently flexible to allow adequate implementation time and to accommodate these differences.

In shaping federal legislation in this area, we believe there are several critical considerations:

PROGRAM FUNDING

The federal government must restore funding for the Title XX Social Services Block Grant. Prior to the cuts contained in OBRA, the Title XX Social Services program was scheduled for a Federal funding level of $3.3 billion for FY 85 and a separate Title XX training program existed. Earlier this year H.R. 4970 and S. 2492, which would provide a partial restoration of Title XX funds, were referred to the Committee on Ways and Means and Finance respectively with no further action taken. These bills propose an FY 85 funding level of $3 billion, $3.2 billion in FY 86, and $3.3 billion for FY 87 and thereafter. Restored funds would strengthen program monitoring, expand programs to meet the great need for day care services, and provide necessary training so critical to the provision of quality care for our children. HRA estimates that there will be 251,000 children in New York City in FY 85 whose families meet the eligibility standards for publicly subsidized day care but for whom no services are available.

The goal of the Title XX program is to assist eligible recipients to achieve or maintain economic self-support and self-sufficiency to prevent, reduce or eliminate dependence on public assistance. Lack of needed child care services may prevent parents from achieving economic independence. Other parents may be compelled to leave their child alone or in an inadequately supervised situation in order to work or attend a training program.

CHILD ABUSE PREVENTION AND TREATMENT ACT

We are aware that H.R. 1904, and S. 1003 have been conferenced, providing for $11 million for research and development, $9 million for State grants, $5 million for "Baby Doe" programs, and $5 million for sexual abuse programs. While these efforts will permit some innovative research and demonstration projects, the need will remain for increased funding for direct services.

TRAINING

The federal government must provide special funds for training of day care workers under Title XX. Such funds were drastically reduced when the separate training program was eliminated under OBRA. From 1980 to 1984, funds for such training in New York City fell from $5.6 million to $675,000. These funds are used to contract with educational institutions such as Cornell and Fordham Universities to train direct service day care staff, along with administrative staff. Such funding is essential if new staff qualification standards, as proposed in the National Protection Act, are set.

We are aware of the two year pilot project funded by the Department of Health and Human Services Agency for Children, Youth and Families and conducted by the Office of Day Care Services of the North Carolina State Department of Human Services. This project has demonstrated the effectiveness and potential cost savings of using teleconferencing in training large groups of day care staff. The federal government should expand its undertaking of such innovative projects which may have substantial value for New York City and other large centers.

CHILD ABUSE INFORMATION

Currently, many states maintain registers of child abuse information, with a plethora of standards, types of information and rules on access.

Federal leadership is needed in establishing mechanisms to permit this information to be shared effectively among states for the purpose of screening people for child care positions. Similarly, federal initiatives are required in establishing and accessing an effective data bank on criminal convictions related to child abuse to be shared among states.

The National Protection Act proposal for a national file of child abusers would address many of these issues. Persons living in the home of family day care providers should be added to those who could be screened.

PUBLIC EDUCATION

The best defense against child abuse for parents and children is education on the causes and signs of abuse and what to do about it, as well as an understanding of other issues relating to the quality of a day care program. While local efforts in the area of public education are essential, some activities can be most effectively organized and implemented by the federal government.

Educational tools such as films and literature could be compiled in a central resource center. The federal government should undertake a media campaign to address child abuse issues. This could be related to many federal agencies' concerns, such as crime prevention, education and health.

CONCLUSION

Increased federal funding is essential to establishing a comprehensive approach to the prevention of abuse in child care programs: funding for direct service programs, funding for staff training, and funding for innovation research. Federal leadership is required in establishing effective mechanisms, such as those proposed by Senator D'Amato and Congressman Biaggi, to collect and access information on persons who abuse children. Finally, the federal government must take the rule in education of the public on child abuse matters.

Thank you for the opportunity to share our efforts with you. We welcome your leadership in addressing the serious issue of child abuse in day care and in ensuring the protection of all children who participate in day care programs.

Chairman RANGEL. Thank you.

Ms. Flowers, the Chair has tried, and everyone who has testified, to make it abundantly clear that these hearings are not to indict the day care concept or the day care centers, those dedicated people that try to provide a better way of life for our kids, and certainly allow the parents an opportunity to work.

I think that as we reach the conclusion of our hearing, that we have been able to maintain the goals that we set, and make it abundantly clear that day care centers are not the problem, but it is important to recognize that this is an area where substantial amounts of Federal dollars, billions of dollars, are going. As a matter of fact, probably most of the main initiatives is with Federal dollars.

The set-aside for the new initiative you said that New York City will shortly begin—didn't you say $1 million has been set-aside—is that Federal dollars?

Ms. FLOWERS. That is not with Federal dollars.

Chairman RANGEL. This is tax levy money?

Ms. FLOWERS. That is local tax levy dollars, and we are hoping for a partnership with the State. But it is not with Federal dollars.

Chairman RANGEL. But as you had pointed out, we can't run away from responsibility. We are looking for some type of minimum standards, and I think in part you have answered the question I was going to raise; that is, that we have been subjected to criticism in the Congress that we let the cow out of the barn and now we are trying to close the door. And some other social workers or child care professionals have indicated that this is not anything new, that this has been going on for decades, and they are surprised that we have just had to wait for this type of publicity to occur before we would respond to their cry for more Federal attention.

Could I ask all three of you as professionals, did it take the New York City incident to bring this to your attention? Were most of you aware, not of the so-called potential but of the actual abuses that existed? Certainly we all know in the home, so I am not saying to the exclusion of other areas, but I mean in these day care centers themselves?

Ms. Flowers.

Ms. **Flowers**. I would just like to respond, and as I stated in my testimony, that there were reports over the last 2 years of a total of about 23 of these incidents occurring in different centers.

Chairman **Rangel**. I guess I didn't frame the question. You said that. You also said that as a result of the newspaper reports that we should have expected increases, but I am saying did we have reports of this thing over the years, not just what has happened since it has been in the newspapers?

Ms. **Flowers**. I was about to go further, because you have to look at the complications of laws and how laws fit. Until 2 years ago, day care workers were not even subjects of abuse reports in New York State. That means that day care workers could not even be fed into the Child Abuse Registry, and the law did not give the responsibility to investigate these allegations to the child protective service agency. I have been with the agency about 3 years, and when I arrived we were caught between the laws, meaning that the child protective agency had no legal right nor authority to investigate, and you would run to the police, who knew they had as the only witness a 5-year-old. Until the Governor signed a bill allowing a 5-year-old to give testimony, they knew they had no case.

Chairman **Rangel**. I guess you are answering, then, that you did know that the problem existed, and your problem was that you didn't have tools to work with. I am not talking about the conflicts that we have in the laws or the inability for the people to do anything about it. We all know that there have been problems of incest since the beginning of recorded history. I am only saying, and I am not trying to place any blame, how in the heck can the Congress defend itself, that we haven't done anything over all of these years, and certainly you know we can answer because no one brought it to our attention.

I am trying to get an answer for the Congress by asking you were you aware over the long years of the development of day care, institutionalized day care centers, that there has been a problem of allegations of abuse, whether you have been able to do anything about it or not?

Ms. **Flowers**. Well, I guess the question is, if the question is were we aware of isolated incidents before, yes, we were, and we have been training along with the State in this area for over 2 years. Last year alone we trained over 1,200 direct service personnel in the child abuse area.

Chairman **Rangel**. Commissioner?

Mr. **Albanese**. Yes. In the State of New Jersey since 1974 with the Child Abuse Act, the reporting has been indicating abuse and alleged abuse in child care facilities in the State of New Jersey. But it wasn't until recently when for statistical purposes and for developing our own program for institutional abuse that we broke out and started to highlight different type day care, State psychiatric facilities and such. So it is just recently, in the last year, we broke out that information in order that we could properly address the situation. But the State was aware of allegations of abuse in the facilities.

Chairman **Rangel**. Cesar.

Mr. **Perales**. Let me just say that I think part of the problem is that this is really an underreported crime. Most kids don't come forward. Many parents cover up the fact that they suspect that something like this has happened, so that even where we have had for the last 2 years, as Ms. Flowers has pointed out, a central register in which the State receives all allegations of child abuse, including sex abuse, we have very, very few reported incidents, and an even smaller amount of substantiated allegations. So that the truth is probably that you need a scandal such as the ones that we saw in California and New York to get the public to react.

I think we have got to train people to be sensitive and recognize when these things happen, and not to be afraid to talk about them. I think that the answer is that these things have probably been going on to a greater extent than any of the professionals knew, and that hopefully we will be able to deal with it in the future.

Chairman **Rangel**. Obviously, with all of the attention being given by congressional committees, city council committees, as Congressman Guarini pointed out, public broadcasting, it should mean that parents in families are generally more conscious of the potential problem. I guess I will be asking, are the cities and States ready now to deal with the allegations?

Mr. **Perales**. I think some have been ready to deal with it in the past. I think we have talked about the fact that we have done training in the city of New York, that we 2 years ago decided that those reports should not merely be dealt with at the criminal report level, but also those of us who were running the child care system would have to have knowledge of it, information regarding it. So we have been prepared to deal with it.

I think that if we are going to do anything more, if we are going to embark on, for example, major campaigns to educate the parents of children in these institutions, we are going to need additional support. I think New York City is obviously responding with local funds, if only because they are faced with this problem as a result of the recent publicity. But I would tend to doubt that other localities in other States, which have not had these terrible scandals, are prepared to invest their own local funds, so that I would urge that the Congress consider Federal funds being used, perhaps matching local efforts, but that the Federal Government use its resources to make sure that throughout the country we have Government and local agencies moving in the direction of educating and training and early detection.

Chairman **Rangel**. Roughly what percentage of the city, of the day care, what percentage do you believe are licensed and unlicensed? Just roughly. I know that you can't determine really what are unlicensed, and I assume unlicensed means the mother that is trying to make a couple of dollars and don't report taxes, and she has five or six kids.

Ms. **Flowers**. Just giving general statistics that unlicensed, especially child care in the home is the oldest profession that we know, and it is one of the hardest services to count, because it is underground. We know that in New York City we run the only licensed family day care system in the city of New York, and we license 2,500 homes.

Given the fact that we estimate we are only taking care of maybe 20 percent of the need for child care in New York City, I would have to say that we do know that a number of children, especially school age children, there are 147,000 "latch key" children in the city of New York, so I would have to estimate that there is certainly probably more unlicensed forms and informal forms of child care than there are licensed.

The Agency for Child Development has 385 child care day-care programs, and 143 Head Start Programs, and we estimate that approximately 50,000 children in the private sector are cared for in licensed facilities.

Chairman RANGEL. So how does that break out in a rough percentage? Less than half? I just figured if you knew the number of children that we had in the city and the number of working parents.

Ms. FLOWERS. I would have to estimate 60-40, 40 licensed, 60 unlicensed.

Chairman RANGEL. Now, with the 60, and I am not holding you to that figure, are we dealing with the apartment-type or home-type day care, or are we also including, are these church day care centers? Are they for the most part licensed where the church advertises that they will take care of your kids?

Ms. FLOWERS. The city of New York as well as the commissioner talked about New Jersey looking to include religious organizations. The health code today does not include religious or board of education facilities in its licensing process.

Chairman RANGEL. You are looking to include those?

Ms. FLOWERS. Yes, we are.

Chairman RANGEL. I assume the commissioner from New Jersey was talking about here the established churches have these programs.

Mr. ALBANESE. Previous to last year they were not licensed in the State of New Jersey. Legislation was passed for licensing purposes now, this year.

Chairman RANGEL. So you mean if the local Baptist church as a service to its parishioners said that you could drop your kids off before you go to work, that they would be subjected to a license?

Mr. ALBANESE. That is correct.

Chairman RANGEL. And this is what we are proposing in New York, or supporting?

Ms. FLOWERS. We are reviewing that proposal, and have not completed the review in terms of the actual numbers, and the licensing procedures. But as of now, those types of programs are not included in the health code for licensing purposes.

Chairman RANGEL. How does New Jersey handle the mother that takes in kids during the day?

Mr ALBANESE. Presently New Jersey does not license family care.

Chairman RANGEL. I didn't really mean—was that family care, if a person——

Mr. ALBANESE. Six children or under would be considered family care. It is not licensed.

Chairman RANGEL. Even though she is being paid by the parent?

Mr. **Albanese**. That is correct. It is not licensed. There are an estimated 40,000 family care operations in the State of New Jersey.

Chairman **Rangel**. So really when we talk about child abuse and deal with the institutional thing, we are just dealing with a very small part of the problem.

Mr. **Albanese**. Can I just speak to this? You are talking about license, and in the State of New Jersey I think we have a very adequate licensing process, standards. But that in itself to me is not necessarily going to protect children against child abuse, and neglect or sex abuse, because we have learned, at least I have learned in a 3-year period, when you look at the kind of people that are committing child abuse, not necessarily someone with a criminal record, oftentimes they are very trusted people and you can go from religious leaders right down to a laborer. And the concern I have, I think we should do all those things, fingerprinting, licensing, tightening up. We definitely want criminal history checks, because if we can remove 1 percent, that is very important.

Chairman **Rangel**. Some of these nuts know that there is no check and there is no screening.

Mr. **Albanese**. That is right.

Chairman **Rangel**. And they may be gravitating to where the kids are. Now, some witnesses said they may go someplace else, but wherever that else is perhaps the Federal dollar shouldn't be.

Mr. **Albanese**. But the thing that I am stressing, we talk about family care in terms of licensing, and I think all of us have mentioned it today across the board, the need for more involvement in our day care centers of parents, the community as well as more involvement in family care situations.

Chairman **Rangel**. We all agree, but we are limited as to what we can do in that area, except perhaps to support legislation that gives more funds for local and State governments to involve the parents. We just can't do it from here. But again with the witnesses that opposed minimum standards, unlike you, we need help to make certain that we don't overlegislate it.

Mr. **Perales**. Mr. Chairman, if I might comment. To the extent that the Tax Code is an important source of support for child care, if a parent could not take advantage of the Tax Code, if their child were in a completely unregulated and unlicensed center, I think it might have an effect. I guess what I am saying is that people who are operating unlicensed centers perhaps don't have sufficient incentive to come forward and have themselves licensed.

Chairman **Rangel**. I have been afraid all day that that would be raised, but certainly our staff had raised it—I just don't know whether you would be advocating something like that.

Mr. **Perales**. I don't know that I would be either, frankly.

Chairman **Rangel**. That is rough in saying that unless you go to one of the licensed centers, then you can't make the deduction.

Mr. **Perales**. There might be limits. There might be decisions, for example, as in the State of New Jersey if it is a provider that cares for less than six children——

Chairman **Rangel**. Without the proper safeguards, yes, exclusions.

Mr. **Perales**. I am concerned that there are people who are providing care for large numbers of children who do not seek licensing but in the State of New York we call them underground day care centers and there is not sufficient incentive to have them come forward and be licensed. Therefore, it is almost impossible for the government to know that they exist.

Chairman **Rangel**. That is something we will look into to see whether or not it would be feasible to have a taxpayer indicate that a deduction for child care was from a licensed day care center. We will look into it. I might ask you to assist us in that endeavor. Mr. Guarini.

Mr. **Guarini**. I think that is most appropriate, Mr. Chairman. I want to commend each of the panel members for the articulate and competent manner in which they presented their testimony and would make an observation, Mr. Chairman, that New Jersey and New York can indeed get along, can cease this war between the States when they really want to get down to solving a common problem.

I wanted to ask whether or not, Mr. Albanese, you feel that we should license or at least register the small family day care centers serving under six children and which New Jersey does not presently regulate?

Mr. **Albanese**. I think it would be something that we would like to see in the State of New Jersey, but what concerned me about the legislation that has been proposed, it is going to take dollars and we estimate $9 million. We are going through right now in the State with the increase of incidents from 20-some thousand to 45,000 in our protective service agency. We can't keep up with the caseload anymore and we are petitioning the legislature for the Governor to provide additional money for staffing. The problem of awareness has generated an overwhelming workload on inspections and investigations so we would hope that in some way the Federal Government could assist us with that particular proposal.

Mr. **Guarini**. I would like to get one thing clear in my mind. Are we saying that we should have Federal standards, Federal regulations, but that where the State adequately implements them that it should be left to the State for implementation?

Mr. **Perales**. I think that would be fair to say, but I think you are talking to representatives of two States that have stringent regulations at the moment.

Mr. **Guarini**. Would it be fair to say that New Jersey or New York needs additional regulation or would that be overlapping? Should it be a law that says where the State has standards it should be exempt from Federal regulation?

Mr. **Perales**. The Federal Government could lay the minimum and say if the State wants to go beyond them, it could. There should be minimum standards.

Mr. **Guarini**. You would go either way or would you rather the Federal Government run the program?

Mr. **Perales**. I suggest that I believe that New York State would probably regulate above and beyond what the Federal Government might require, but it is within the purview and I think the responsibility of the Federal Government to lay some minimum requirements that would apply nationally and that I would expect that some States would regulate beyond that and they ought to maintain that right.

Mr. Albanese. I agree.

Mr. Guarini. The Federal Government would be better, but let it lay down uniform standards and procedures?

Mr. Albanese. Right.

Mr. Guarini. With regard to law enforcement, has it been your experience that it is very difficult to prove these kinds of cases and that people often get away with going free even though they may have indeed committed a crime due to the fact that there is no evidence that could be acceptable in a court as legal evidence could be brought to prove the case?

Mr. Albanese. That is one of the biggest problems and one of the reasons many of us are looking at other ways of dealing with people who have been categorized as substantiated abusers. In New Jersey, we know we don't get the convictions primarily because of the age of the witness, but that individual we have categorized as substantiated abuses by a preponderance of evidence against that individual and the department can have the division of youth and family services investigating and substantiating a case of abuse against an individual and at the same time the Arthur Brisbane Psychiatric Child Treatment Center could be hiring that individual without what we call the perpetrator profile, which I think is necessary.

Without that, we have no way of knowing what those individuals are doing in the day care system and in the institutions in our society.

We are working now with the attorney general, the public advocate and the ACLU in trying to construct a due process mechanism for those people that have been substantiated, 10,000 people a year in the State of New Jersey. Somewhere they might be employed in a day care facility, but without a file and a way of tracking those people, we have a problem.

Mr. Guarini. Some courts have procedures now where they take the testimony of the child out of the courtroom and put it on a television screen so that the child would be in a different environment rather than a courtroom. I understand that that is in an experimental stage and hopefully will be one way of obtaining testimony.

Mr. Albanese. The judge in New Jersey ruled that that would be allowable. In the investigative area, some counties have developed investigating techniques. In Union County they call it the "Land of Secrets" with the children because that is the way perpetrators operate, keeping things a secret. In New Jersey, law enforcement is back and leading the way in child abuse and sexual chiid abuse in our State.

Mr. Guarini. I understand that a judge in New Jersey was upset recently, according to a newspaper report, about a 15-year-old child who had committed a crime who had no place to go for medical treatment or care. How are we going to handle that?

Mr. Albanese. That is the department of corrections. We have a sex offender unit for adults. We support the need for an offender facility for juveniles.

Mr. Guarini. Do you have such facilities in New York?

Mr. Perales. I don't know of any quite frankly. There may be some. I do not know whether or not the department of corrections maintains a place to put juvenile sex offenders.

Mr. **Guarini**. We are indeed a long way from finding all the answers and solutions, aren't we? Are there adequate facilities for the treatment of the victims themselves in New York and New Jersey where a young child has been victimized and has a psychiatric problem?

Mr. **Perales**. One of the things that we learned as a result of what happened in New York was that an awful lot of people came forward and said they could deal with the victims of child abuse, including, interestingly enough, the prosecutor in Bronx County, who indicated that while he would not release the names of the alleged victims of sexual abuse in those day care centers, that he was providing the appropriate therapy to those children and their families because that was certainly of concern to both the city and the State departments of social services.

We certainly have in New York appropriate experience and have treatment centers and I don't know whether Ms. Flowers wants to comment on it.

Ms. **Flowers**. In the height of the scandal, many people and organizations came forward to assist the victim. In that one case in the Bronx, we also have to look at the fact that the community mental health center, which is counseling parents around the trauma, became—that issue became 90 percent of their service, so therefore, even in terms of—even though it is something a community mental health center is there for, certainly additional funding support so that adequate facilities around this issue would be present and be recognized as a need to always be present and available—but we have had the assistance of many community-based organizations, many doctors with the expertise of dealing with this, and many people coming forward on a volunteer basis.

Mr. **Guarini**. Is the situation worse in the private sector where entrepreneurs are running day care centers? We have 250,000 of our children—and I imagine many of them are in New York—in private day care centers that are operating for profit. Have they been reporting the instances as they should and is there any special problem that exist in that sector?

Mr. **Perales**. There is no evidence of any special problem in private centers or the public ones. As I indicated, the minimum evidence we have we get as a result of someone calling in a report of sexual abuse. There are not very many. We have received, at the height of what occurred in New York, only about 44 reports by parents that they thought their children were being abused, so that we really don't get that many reports. We could not make a judgment as to whether or not—there does not appear to be any difference between private centers and public centers.

Mr. **Guarini**. There has been complete cooperation by the private entrepreneurs as far as your experience has been?

Mr. **Perales**. Yes.

Ms. **Flowers**. In the city of New York, we do not have a lot of the national chains that there are around the State.

Mr. **Albanese**. The child abuse task force expressed concern about the school system and their reluctance to get involved, contrary to law in the State of New Jersey which is mandatory reporting of child abuse because of liability. Many teachers have expressed concern of being sued, going up to the chain of command of the school system to the principal. Within our legal structure, an employee, by law, must report directly to the hotline in reporting child abuse, then go and turn it up through the chain of command to make the report.

We have been talking about the fear of many educators to get involved, and that is something we would like to address in the State of New Jersey, clarify the law and the liability.

Mr. **GUARINI**. Are you saying there is personal civil liability on the part of the official or teacher or supervisor that does not report an incident that they have some knowledge of?

Mr. **ALBANESE**. It is mandatory for any person in the State of New Jersey to report any type of child abuse and there is a penalty if it is not reported.

Mr. **GUARINI** They could be an accessory after the fact, I presume.

Mr. **ALBANESE**. The Arthur Brisbane incident in which the administration, the CEO and two employees chose to believe the employee, is a case in point where in fact they violated the administrative rule and regulation as well as the law in terms of reporting. That had to be reported to the abuse unit and the prosecutor as a sex-abuse case.

Mr. **GUARINI**. Suppose someone reports it and it turns out that it was not proven. Does that person get any degree of protection for being the good samaritan that he was when he reported it or is he facing a civil liability suit?

Mr. **ALBANESE**. I was told by one of our lawyers they have immunity, civil and criminal, if there was reasonable cause.

Mr. **GUARINI**. So as long as there is a reasonable cause, however that is defined, anyone does report it can feel safe and secure, and I think it is important that our Nation know that.

Gail Manning who is the leader and executive director of the Father English Community Center in Paterson, NJ, testified that she can't get police checks from anybody in any other county of the 21 other counties of our State. Is there a problem in New York or New Jersey?

Mr. **ALBANESE**. The problem in New Jersey—and that is one of the problems I have in terms of false sense of security—a local law enforcement agency tells an individual that they are going to conduct a criminal check. That is within the confines, say, of the county. It doesn't go to the other counties of the State and across State lines. I have heard an educator that I know in one of the counties tell you that the sheriff is doing these checks and we know that they are not allowed to access the State police system for noncriminal matters, so we are pushing for State police as opposed to county by county—they can assist in taking the prints, but the actual checking will be done by the State police.

The next step in the process is the FBI check to check other States. Mr. Grizzard, from Arthur Brisbane, traveled all the way from San Diego.

Mr. **GUARINI**. We can look forward to the day where a day care center can get a police check?

Mr. **ALBANESE**. Senator Carmen Orechio, president of the Senate, has sponsored the legislation in the State of New Jersey for fingerprinting of all people that deal with children, and that would include teachers.

Mr. **Guarini**. Do you have the same problem in the State of New York?

Mr. **Perales**. We don't. We have a statewide system. The division of criminal justice services will, if you have legal authority, can run fingerprints and it is statewide. We don't have it county by county.

Mr. **Guarini**. But do they in fact give information if a request is made by a day care center to, say, the attorney general of the State or is that privileged and private?

Mr. **Perales**. That is privileged and private, so day care centers do not have access to that.

Mr. **Guarini**. So there is no way that they can make a criminal check unless you change your law?

Mr. **Perales**. That is correct. I expect legislation to be introduced when our State legislature returns that would provide access to day care operators, and I would imagine that there will be a great deal of discussion as to how privacy concerns will be dealt with.

Mr. **Guarini**. It is just unfortunate that it takes national scandals to alert our legislators and our public agencies to really take action that they should have taken a long, long time ago, because this problem has probably been with us for many decades.

Thank you.

Chairman **Rangel**. Chairman Miller.

Chairman **Miller**. My apologies for being out of the room during your testimony. One of our concerns is obviously trying to strike some balance between what we mandate the States to do, in a rush to solve this problem, and unfortunately perhaps, some political problems, too. Do you think most States will move in the direction of these kinds of background checks, fingerprinting and actions of this kind?

I understand there are different impediments in different States. But my sense in the testimony we have received is that many States are moving in this direction. Some are at the end of their legislative session as we are here and expect to take action soon. Have you talked to people in other States on how they are proceeding?

Mr. **Perales**. I have to a limited extent, and I concur that many of the States are moving in that direction. I indicated a little earlier that it is no doubt the result of a great deal of public attention and scandal that we have had over the last several months and that it has motivated it seems to me a great many legislatures to move in the direction of background clearances. And I suspect even the question of the licensing of day care centers where that does not exist will become a matter of law.

Mr. **Albanese**. From the National Governors Association and committees that we sit on, there are indications that all the States are beginning to move in this direction. Cesar has indicated the publicity that has been given to indictments in California and New York.

Ms. **Flowers**. There does seem to be a limitation on the background in that most States that I have spoken with the background check is relegated to that particular State, so it is an improvement because it is across county lines, but does not give the operator the opportunity to check nationally.

Mr. **Albanese**. One of the problems is the need to cross State lines and utilize the services of the FBI in terms of checking. The problem that we have going back and fingerprinting employees that have the control and discipline powers over our children, you are talking about 300,000 employees and a $12 fee for the FBI check, plus the State processing. It is going to be a time-consuming effort and it is going to be very, very expensive, but we have endorsed that in the State of New Jersey.

Chairman **Miller**. Thank you.

Chairman **Rangel**. There has been a lot of talk about scandal. In the city of New York how many appointees were fired or resigned as a result of abuses of kids in day care?

Ms. **Flowers**. To date, and I don't have the total number, but to date the allegations have come against I think a total of seven individuals as related to the scandal.

Chairman **Rangel**. But those individuals, what would be the highest level of authority that any of them would have had?

Ms. **Flowers**. The highest level of authority so far in publicly funded day care centers—in the arrest there has been a teacher, but the largest representation has been among teacher assistants and teacher aides.

Chairman **Rangel**. So the resignation of the director of human resources and the deputy director of human resources were not directly related to the incidences that have been alleged by the children or the children's parents?

Ms. **Flowers**. The resignations of my past supervisor and my past peer were individual decisions at a time when they made a decision professionally that they felt it would be for the good of the program to do so.

Chairman **Rangel**. Well, did your peer and your supervisor share with you how this would be in the best interests of the program?

Ms. **Flowers**. While I think through this experience it has certainly taught me that when the public media and that what we call the public media is certainly a great force in shaping public opinions, that even when I look at the chronicles of our newspaper articles, you will find my name missing in many cases even though I spoke to a report, et cetera. So it is sometimes many who crucify those who are not necessarily guilty, and sometimes unjustifiably so, and once you become—and I have been an appointed official all of my professional career—I as a professional, if I ever felt that my presence, for instance, would hamper the delivery of any public service to the people I am there to service, I would tender my resignation, because I should never become an issue which would detract from the needs of the public.

Chairman **Rangel**. I certainly think anybody would concur with that. The problem is that the resignation sometimes allows those who aren't familiar with the facts to believe that there were allegations of wrongdoing and then a resignation and having spent all of my life in public office I wouldn't consider resigning because of an allegation. I would do just the opposite. I would stay there and insist on not being involved.

Ms. **Flowers**. I think we all have to make our individual decisions, our professional decisions, and we are—as individuals we make those. The Human Resources Administration is a very tough Agency to manage. It has a lot of responsibility and it is a very, very tough job. I enjoyed very much working for Commissioner Krauskopf and he committed 3½ years of his life to that Agency.

Chairman **Rangel**. Was he directly involved with the day care centers about which the allegations occurred? What I am trying to say is that I have not seen or read, and I checked with staff, of any reason wny you or he should have resigned. And you are saying he resigned for the good of the service.

Ms. **Flowers**. I made an assumption. I am not the one to say why he resigned.

Chairman **Rangel**. Maybe your peer or the Commissioner would have said publicly or shared with you the reason for the resignation—there was a lot of talk about scandal today, and I checked to find out that none of these people have been indicted or brought before a grand jury. They are no longer here and when we talk about scandal I assume that we are not including them, these resignations.

You would have to believe, Commissioner, that outside of the area of your expertise with those others of us in public office when an allegation is made and people start resigning that there is a feeling that they were part of the problem and they were asked to resign. If you have no evidence at all as to the reasons that these people resigned except they were getting too much attention, I accept it. I just thought you could shine some light on whether or not——

Ms. **Flowers**. We will certainly make available to you the Department of Investigation's investigation into the DA's allegation. That report completely exonerated the Human Resources Administration in any allegation of a coverup, in any allegation of hindering the investigation. We will certainly make that available to you.

Chairman **Rangel**. I take your word for it. That is the reason I was asking the questions and hoping that you would be able to show for the record that the resignations were not related to any allegation of wrongdoing on their part.

Ms. **Flowers**. No, they did not.

Chairman **Rangel**. That is what I was trying to search for. Thank you.

I thank the panel for their contribution and hope that you would continue to help both of our committees as we try to model some meaningful legislation.

Our last panel is Gwen Morgan, a lecturer from Wheelock College in Massachusetts, the home State of our beloved Speaker, and Marcy Whitebook, the director of child care employees projects, from Berkeley.

Ms. Morgan, you can start.

STATEMENT OF GWEN G. MORGAN, LECTURER, WHEELOCK COLLEGE, AND CODIRECTOR, WORK/FAMILY DIRECTIONS

Ms. **Morgan**. Mr. Chairman, Mr. Miller, I wish to thank you for the opportunity to testify at the end of this day on the issue of protecting children in day care, and I will try and skip over anything in my testimony that you already have in writing that repeats what other people have fully covered in order to underline points that I feel may not have been made as well as they might be today.

First, I have been aware for more than 5 years that the issue of sexual abuse in day care was a growing issue, and the reason I was aware is that there is in a few States a little bit of data. The data is not in the child protection agency. The data is in the licensing agency. Licensing agencies keep records of complaints and some licensing agencies do this well. The State of Texas, for example, can document for you every complaint that was made every year and classify them so that you get an idea of what type of complaint is growing. That doesn't tell you whether the complaints are valid, but it does tell you of a growing concern among parents and the public over sexual abuse.

So I began asking people in the licensing offices, because I am in fairly frequent touch with licensing offices. I teach day care courses. I teach licensing courses. I do a lot of writing on licensing, and so I am in fairly frequent touch. And I began asking them. Sometimes they would give me data. More often I talked to a licensing agency and I would say what are your statistics on complaints of sexual abuse in day care, and the response was only appreciable face to face, because they would roll their eyes to the ceiling and they wouldn't say a word. And I would say I don't consider that a terrifically informative answer. I didn't get good data and I didn't get good information from many States, but I did get an impression.

The reason I say this is I think one of the things the Federal Government might do is to strengthen the process of documentation and reporting at the State level. We need to know more in a more systematic way from the States of what the concerns are of parents who are complaining about child care. It is my understanding that the child protection bill, which I haven't read but have listened to testimony on all day is discussing the concept of Federal standards, something I worked on with many others who were here in this room for 10 to 15 years, and will work on again if it comes up again.

I would simply like to point out, though, that this is a difficult area to get consensus on from one State to another, and even after 10 years of work we were still having big arguments between the folks in Wisconsin and the folks in Maine. It was hard to get them to agree on anything. And this was divisive.

However, if we hold more hearings and if we all work closely together, there must be a way that we can make this process a constructive rather than a destructive one. You should know that in the States when they write their licensing requirements, particularly in what I would call the good States, the process is usually a democratic process. It usually involves the interests of all the people who run day care programs and others who are experts on the topic. They spend about a year hammering out a consensus among themselves, which you can do within a State. The process results in citizen commitment to their standards. When they do that in Maine and all of a sudden somebody from Wisconsin comes along and tells them it can't be that, it has to be something else, this is very difficult for them.

I would like to suggest something else that the Federal Government could do in the way of standards, and that would be standards for the States themselves, and how they implement their regulatory actions.

I have learned the hard way that you don't judge a State regulatory system by the stringency of its requirements. You judge a State regulatory system by how well it implements its requirements. I have very little respect for a State that has very high standards and permits a day care system to flourish that doesn't meet those standards.

I have a lot of respect for a State that frequently visits its centers and makes sure that every program that is licensable is licensed, and that it is in compliance with the standards.

So I would think that maybe we could work out some standards for the States, a certain number of visits that would be required, certain qualifications of the regulatory staff, certain coverage.

The number of exemptions from licensing that we have from one State to another are enormous and getting more enormous, so that would be another area that I would suggest we might be able to get a lot more agreement on.

The Federal Government might require full coverage by the State licensing law of all child care in any type of center or family day care.

It seemed to me about 5 years ago when I began to become aware of the issue of sexual abuse that this was a time for Federal leadership and what I urged the Federal Government to do was to create a central clearinghouse that could inform all the States about what the other States were doing.

A clearinghouse could help to give people information what is known from research about quality. They could compile data that would be useful. None of that was done. In fact, in spite of the enormous growth in day care, and the fact that this is not a safer world than it used to be, the States have gone backward in their regulatory actions.

They have cut their staff. They have reduced their definitions, and they have, I think, generally failed to find leadership and inspiration at the Federal level.

On the issue now of criminal record checks, it seems to me important to underline, as it has come out today, two aspects.

One is, can people find out the criminal record of other people when they are seeking to employ them or granting them licenses?

My experience in the past 5 years was that nobody had access to any records. We were a State that was very big on adult rights and privacy. We were very low on child rights.

I introduced legislation 5 years ago to give access to relevant criminal records to the licensing agency. The Attorney General told me that was a bad idea, I shouldn't do it, so I thought to myself, well, I will just wait until there is a scandal and then they will pass it, so I waited and sure enough, a busdriver raped two retarded children he was taking to a special school and this was a five column front-page story with pictures. Neither the school nor the bus company had access to the record of extensive prior convictions this man had for the same crime, but that wasn't enough in Massachusetts.

That would have done in Illinois or Texas, but Massachusetts it wasn't enough. We needed a whole child porno ring. I thought to myself, and sure enough, I think somehow behind the scenes I think we got that because finally, in Massachusetts the licensing agency does have access to those records. In many States they don't.

I think that is changing, and I think it should. Even though it is not any kind of answer, as a lot of us have heard today and as I agree it still seems to me unconscionable that children should be sexually abused by known offenders in programs to which their parents entrusted them.

We know from States that have been doing criminal record checks, like California and Pennsylvania, that they do screen out a fairly substantial number of people with records every Friday.

However, most people who abuse children don't have criminal records, and therefore even though I think that is something we ought to do, it is a fairly minor piece of an overall picture.

We really need to improve all of our child care system, rather than looking for some kind of a quick answer like that one.

The recommendations I would make for regulatory action would be to set up some kind of an ongoing clearinghouse for information on laws and standards. I would strongly support a licensing requirement that would give parents access to observe and visit any day care program at any time.

About half the States have something like that. New York State says parents may visit at any time mutually convenient, and I submit that is not good enough. Many of the States don't mention it at all.

I think a training requirement is a feasible requirement, even a conservative State like Arizona has an ongoing training requirement; the staff are required to have 30 hours of training a year.

I think that is a minimal kind of action, but feasible and valuable.

And then I would say that Federal funds could be used to improve complaint procedures in licensing offices, and to publicize complaint procedures, so that parents would be using the complaint process much as people use other civil rights mechanisms to secure the rights of their children.

I would like to put on my other hat and testify in my capacity as codirector of Work Family Directions. This is an organization that has set up a nationwide system of community-based resource and referral agencies that provides services to the employees of one company. These community-based services serve other employers and the general community when they have the resources to do that.

Through this system, parents can receive information on how to select a quality arrangement, and how to be a vigilant consumer of child care after that child is enrolled.

All parents receive a child care handbook, which advises them not to enroll their child in a program unless it is clear that they are welcome to drop in unannounced at any time, and that it is clear that they will be able to communicate with other parents.

Their handbook advises them how to make a complaint, and how to talk over any vague doubts they might have with their referral counselor, if they are not convinced that they have enough grounds to justify a complaint.

They are given a good deal of information about what quality is and how to compare providers, and they learn from this how to continue to look at child care on an ongoing basis.

In these handbooks that we are giving to the parents, there is going to be an enclosure, a different one for each State, and two in New York on what the licensing system is like in that particular State, so that they get an idea of not only what quality is and how to look for it, but how much of that they can expect to find guaranteed through licensing, and how much of it they will need to look for for themselves.

In addition to working with parents, these resource and referral agencies work closely with providers and actually recruit new family day care, and either help to get licensed or apply standards to it, if there aren't licensing standards applied.

I would suggest that a nonregulatory approach, such as this one, is just as important as are regulatory actions and that we need both.

In this area, my recommendations to the Congress would be a couple:

First, Congress could provide Federal funds to resource and referral agencies to improve the recording of parent complaints and the procedures for dealing with complaints, and/or second, the Federal Government could provide Federal funds as challenge matching grants to new resource and referrals that have significant employer support.

Just before closing, I would like to say that this issue can't be looked at out of the context of the overall long-range issues in child care. I see the long-range issues in child care like a three-legged stool.

One leg is the issue of quality. That really requires a decent ratio of trained people, with few enough children per staff so that they can tune in on and really know and respond to those children.

Another leg of the stool is the issue of affordability to parents, and the third leg of the stool is the wages that we pay to that staff.

If you fix any two of those legs, just the way you want them, you totally destroy the third leg. It seems to me as it has always seemed to me that we can't fix child care until we pay attention to all three legs.

Therefore, I have never been willing to support a major thrust toward quality out of the context of wages or a major thrust toward wages out of the context of quality, or either of them out of the context of can parents afford this care.

In my testimony I have thrown in some recommendations for long-term affordability of child care and that is more than I will try to summarize here.

[The prepared statement follows:]

STATEMENT OF GWEN G. MORGAN, LECTURER, WHEELOCK COLLEGE AND CODIRECTOR, WORK/FAMILY DIRECTIONS

Mr. Chairman, members of the committee, I wish to thank you for the opportunity to testify before you on the issue of protecting children in day care. I would like to testify first from a regulatory perspective, second from my perspective as codirector of Work/family Directions, and third from the perspective of the deeper issues in day care. At the time of preparing this testimony, I do not have available to me a copy of the Child Protection Act, so my comments will be broader and more general than comments on this particular bill, addressing instead all the different measures that I think the Congress might take to address this issue.

I have been involved in issues of regulation for many years. I worked on the Federal Guides for Day Care Licensing in 1972, and on the Federal Interagency Day Care Requirements up until the time they were dropped. I have many published books and articles on regulation.

I understand that the Child Protection bill re-introduces the concept of Federal standards, that states would have to adopt as their licensing standards in order to use title XX. Some states, such as California, have already "bought out" Title XX child care with state money because of disagreement with federal standards. It is very difficult to set up a process that would result in consensus among the states, either the child care providers or the agency administrators, on what standards should be. People tend to agree with a standard when it is close to what they want to do. The problem we encountered with federal standards was that if a state's standards for funding were lower than the federal proposed ones, the people in the state opposed the proposed standards out of fear of increased costs. If the standards a state used for funding were higher than the proposed ones, then people opposed the proposed standards because they feared a loss of funding and a lowering of quality. Since only a handful of states were exactly where the proposed standards were, almost everybody opposed them, for different and irreconcilable reasons. The process was divisive of interests that should be working together. I would urge this committee to hold more hearings, and to give careful thought to a national consensus building process that would involve people at the state and local level before trying to adopt mandatory standards. On the other hand, there are very many other ways in which the federal government could play a very strong role in the further development and implementation of standards by the states without going so far as to impose mandatory standards, that would be welcomed by all concerned. Unless we can hit on a workable process for building consensus on a mandatory set of federal standards, I would urge that you develop guidance material and mandate state processes for development of state standards. That is a feasible thing that can be done.

I would like to say that I welcome the efforts of the framers of this bill to bring this Congressional attention and action on this issue.

From my knowledge of licensing, and my relationships with the licensing offices in the different states, I became aware of a growing danger of sexual abuse as a regulatory issue some time ago. While there was no national data, I began asking licensors whether there had been an increase in reported complaints of sexual abuse. I found that there was an increase in complaints of all types, and that, indeed, complaints of sexual abuse were increasing each year. By five years ago, I had formed the following conclusions: that in our present society, the risks for children have not diminished, and the need for regulation is as great as it ever was for children in day care;

That there is a need for the systematic collection of data on complaints about day care;

That with the current massive growth of day care, the states should increase their commitment to staff to license day care, and their training of that staff;

That the federal government should play a leadership role in providing an ongoing clearinghouse for the states on standards, regulatory definitions, and new areas of regulatory action;

That information about criminal records relevant to child care, such as sexual and other physical abuse, should be available to licensing offices and to day care programs where those with such criminal records might apply for positions or seek day care licenses;

That the states should make clearer in their statutes where the regulatory responsbility lies when abuse takes place in day care, and what are the relative roles of the day care licensing office and the office for child protection.

I have been urging this course of action ever since. Instead, however, the federal government has abdicated its leadership role, and has left the states with no central place to find information. Funds have been cut for social services, and the day care licensing staffs were given low priority, often being cut back instead of made more effective to deal with day care growth. The numbers of licensing inspections made by the states has decreased for centers. California inspects only every third year except upon complaint. A few states visit four times a year, but they are rare. Twice a year is even becoming rare. Much family day care is not licensed.

There continues to be a gray area of overlap between the child protection laws and the day care licensing laws. Data is not compiled nationally. While a few states do criminal record checks, the majority are more concerned with the rights of adults than the rights of children.

The licensing offices have been aware of many more cases of alleged sexual abuse than have ever come before the public. This issue has continued in its socially submerged way until suddenly with a few dramatic cases in a number of different cities, the public has become very shocked and concerned. In fact, there is now so much focus on day care and so much reaction of horror, that it is difficult to get a common sense effective plan of action discussed. Some points that others may testify to before your committee that seem important are the following:

Sexual abuse has been uncovered in widely different parts of the country. Nobody can say. "It can't happen here." Yet despite the horror of finding it in day care, sexual abuse is not a special problem of day care, but part of a larger societal picture. The American Humane Society estimates that 68 percent of sexual abuse involves a parent, and only 1.5% involves child workers or even babysitters. Children—speaking statistically—are actually safer from sexual abuse in day care than they are within their families or left free on their own in their neighborhoods.

Sexual abuse of children is abnormal activity that is not possible to detect through interview or observation. People who engage in such behavior do not do it when a licensor comes for a scheduled visit. They are often very skilled at concealing their social deviance. The best protection against it will be parents who drop in frequently, who talk to other parents, who listen to their children, and who report their suspicions to authorities. This criminal activity is different in kind from the quality issues regulated by official inspections to assure compliance with standards. However, licensing helps by deterring too-easy access to day care, particularly if there are training requirements.

Criminal record checks have been done in California now for a number of years. I am now hearing that Californians with criminal records are setting up day care programs in states that border on California, that do not conduct such checks. This has become an interstate issue, and will grow to be more of one if we do not take action.

Some points about criminal record checks

Criminal record checks only protects children against adults that have criminal records. Those who have never been detected are still a danger to children. I believe we should do criminal record checks, just because it is outrageous not to protect children from known offenders. However, this will not even protect half the children who might be sexually abused, and we should not fool ourselves or the public into thinking that is some kind of an answer. The children at McMartin's Center in Manhattan Beach were protected by criminal record checks. A stronger state training requirement might have protected them more, by bringing in staff from outside the ingrown group that conducted this family business.

Criminal record checks are time-consuming for somebody, and that means money. If there is to be a federal file, staffing must be available to compile the file, search the file, and respond to all the requests for information from the file. Further states must provide staff time to collect the files and send them to the federal file. I would suggest offering some additional federal money to states to implement the record check at the state level. If we draw off staff from the already understaffed licensing offices, we would decrease the protection of children.

There are important civil rights of adults to be considered in the design of any federal file. I would suggest that legal minds begin at once to design tight language. As usual, in a case of rights, there are clashing rights to be sorted out. The rights of adults to seek employment in day care clash with the rights of children to be protected against adults who have been convicted of crimes particularly relevant to work in day care. Most states have protected the rights of children. I have no hesitation in asserting the rights of children, and in saying that I would be happy to see all the convicted forgers hired in day care if the banks will hire the convicted sex offenders. But it is important to have clear and tight language to avoid going farther than necessary in invading the privacy of the adults.

Family day care.—There has been disagreement over how the states should deal with family day care: either traditional licensing, registration, or deregulation. Right now there are some states that do not regulate family day care at all, for example, New Jersey. Other states by the way they define family day care essentially deregulate most of it; for example in Indiana it is six or more children, leaving care of five of fewer unregulated.

Registration as most states define it is a method that relies heavily on parent monitoring to assure compliance with requirements. Providers self-certify that they meet the requirements, and parents are given a check list, and a form for reporting to the state. The licensing office follows up on all complaints, and spot checks of percentage of homes on a rotating basis. I believe that routine visits to 20% of the homes annually, with parents cooperating in monitoring, and criminal record checks, would create a system that would deter easy access by sexual abusers. At the same time, it is an easy system for most providers, and always results in large increases in licensing coverage, so that parents could be urged to use only registered home.

Further improvements that states could make, with federal funds or even just with federal leadership, would be a voluntary credential for family day care, and training.

Regulatory recommendations for Federal action

Funds to the states to implement criminal record check system; access for interstate checking. Use licensing offices to check. Increase staff for this purpose.

Improve state licensing.

Set up an ongoing clearinghouse of information on laws, standards, and licensing administration, that states can use to improve their own system. Develop model guidance materials. Public information materials to support state improved licensing.

Standards relevant to sexual abuse, directly or indirectly are:

Parent access.—Requirement should state that "Parents should be permitted to visit and observe any part of the center or family day care home when children are in care. Parents should be informed of this requirement."

Required training.—A requirement of ongoing training is a feasible, low-cost requirement that would assure that more outside people see and have the opportunity to screen staff; as well as adding more quality options for parents to choose. Training would have to be provided by a qualified person, making it more likely that centers employ on their own staff people who have been trained, and therefore screened by some outside institution. When centers are permitted to be completely ingrown, it is much more possible for this type of deviancy to go unreported.

Provide federal incentive funds for states to improve their licensing systems, provided that they visit centers at least twice a year, and that they achieve full coverage through either licensing or registration of all family day care homes. Definitions should include all children, and states that register should inspect at least 20% of the homes each year.

Complaint procedures should be improved, and used by parents to assure compliance with requirements. Complaint data should be compiled in standardized form across the states and compiled nationally.

Provide model guidance material to states to clarify the relative responsibilities of the licensing agency and the child protection agency when abuse takes place in day care.

I would now like to put on my other hat and testify in my capacity as co-director of Work/Family Directions. We have set up a nationwide system of community-based resource and referral agencies, that provide services to one company through contract with us, and that also serve other employees and the general community when they have the resources to do so. Through this system, parents can receive information on how to select a quality arrangement, and how to be vigilant consumer of child care after their child is enrolled. All parents receive a Child Care Handbook, which advises them not to choose a provider unless it is clear they are welcome to drop in unannounced and will be able to communicate with other parents using the same service.

They are advised to investigate injuries, and they are told how to make complaint. Further, it they have vague doubts, but no real reason to want to make an official complaint, they could talk it over with their referral counselor. Since this counselor talks to other parents, a pattern might emerge from conversations with a number of parents that might have more significance than each of the parents realized. The referral service, too, will report suspected abuse, and will also drop a provider's name from referral lists if there is reason to believe that children are endangered. Further, parents are given a great deal of information on how to compare providers before making a selection, and they learn from this how to continue to look at their child care on an ongoing basis.

This kind of consumer education system works together with the consumer protection system represented by regulation to protect children. I believe that both are important and necessary.

In addition to its work with parents, the R&Rs work closely with providers. They recruit new family day care, and either help it get licensed, or, where there is no licensing, they apply standards to it. In this way, parents have access to a supply of family day care that has gone through some kind of process, and are less at the mercy of the totally unscreened provider.

I would suggest that the Congress consider some additional non-regulatory actions to address the issue.

Resource and referral systems; recommendations

Provide federal funds to R&Rs to improve the recording of parent complaints, and the procedures for dealing with complaints.

Provide federal funds as challenge matching grants to new R&R's with significant employer support.

Longer range issues

I have described some of the regulatory actions that the Congress might take, and some of the non-regulatory actions, that could help to protect children in day care. I would like to say that funds are necessary for each of these actions. And indeed, most of the problems in day care stem from the lack of resources in the field. In this third section I would like to point out that there are some deeper underlying problems in the field of day care to explain its vulnerability to sexual abuse of children. There are three interdependent issues: quality-wages-affordability which necessitate constant trading off. At present, we have traded off wages in favor of affordability and some quality. In some areas, including Boston, wages have sunk so low that trained caregivers, even though dedicated, are beginning to leave their chosen field and directors cannot find qualified applicants for day care jobs. As wages become so low that trained providers will not enter the field, we have made it easy for sexual deviants to seek access to vulnerable children in day care, as they do in residential programs for children. It will not be easy to protect children until we are willing to reward caregivers for their training and the love and skill they give to their work.

Another problem is the fact that there is no single, accountable agency responsible for overall day care policy in the states. Child day care has been avoided in public policy since 1971 when President Nixon vetoed a comprehensive bill. A number of state agencies have a secondary interest in the subject. It is difficult to get priority action when there is no system to hold accountable.

Solutions to the quality-wages-affordability triad involve bringing more resources to support parents' ability to pay, although parents want to continue to pay what they can for the care they choose for themselves. Some strategies for increasing resources to parents include:

A federal credit on personal income tax for child care expenses, that slides at least up to 50% instead of the present inadequate 30%.

Clear IRS rules on the deductability to employers of child care subsidy whether the care is provided directly or through vouchers; or in the absence of IRS clarity, additional Congressional language.

Earmarked social service federal funds for child care for low-income families, requiring a sliding fee scale with continuity of care as the families' income increases.

Some strategies to address the lack of system in day care would include:

State Governor's designating a "day care cabinet" for inter-agency coordination, with staff based in some neutral place.

Support for R&Rs or 4-C's (Community Coordinated Child Care) at the local level to link up and make effective the present diversity of day care providers, while preserving the values of diversity.

Chairman **Rangel**. Ms. Whitebook.

STATEMENT OF MARCY WHITEBOOK, DIRECTOR, CHILD CARE EMPLOYEE PROJECT, BERKELEY, CA

Ms. **Whitebook**. I am pleased to be here today. I hope that last does not mean least.

As a child care worker and mother, I fantasized about this kind of opportunity for a long time. I never thought that I would come to speak before you today because of the kind of nightmares we have been hearing about.

What I wanted to address my comments to today was exactly who it is who does child care. We have heard a lot about the few people who have abused children at centers, but not a whole lot about the more than 3 million men and women who make their living working in child care. However, I have been pleased today that some people have mentioned that it is not a glamorous job, and I guess I just want to underscore two or three things about working in child care.

Nobody does it because of the recognition or appreciation, or certainly the glamour they are going to get. Child care workers are painfully aware that few people think of us as skilled professionals, and we are used to hearing that: "Oh, you are lucky. You get to just play with children all day."

The second thing about working in child care is that nobody chooses to work in it for the pay or the benefits. Even in California where we have relatively high pay compared to other places in the country, still teachers, even if they have BA degrees, are often earning around $5 an hour.

I just want to say that earlier in the hearings someone asked whether or not there were differences in pay scales in different kinds of centers, and my research shows that there is. In fact, the private programs tend to pay lower than the publicly funded programs.

The other thing I was going to say is that nobody works in child care because it is easy. It is very hard work. It is intense physical and emotional labor and people are constantly exposed to illness. They have to lift children and there are a lot of strains that come with the kind of work that they do, plus people work very long hours without breaks.

You can't put children on hold like telephones, and go take care of your needs.

The other thing about working in child care is that the people who work there often don't have basic kinds of protections that people in other fields do. They don't have contracts. They don't have grievance procedures. They don't have job descriptions in many cases, and so the people we have entrusted the children to by and large really are just not given any kind of basic rights.

I think that there is no way to avoid the fact that these conditions greatly affect the quality of services. Most clearly I think it is because poor compensation fuels high turnover, which averages between 15 and 30 percent a year in centers compared to 10 percent in other human services.

As a parent, and for those of you who are parents, you know this, and for the others, it is important to know that what that means is that the people you come to depend on to take care of your children leave on the average three times a year, so that you are constantly having to readjust yourself and your child to their providers.

It is hard enough to leave your child in any situation, but if you don't know who the care giver or the provider is going to be, it is even worse.

For those of us who work in child care, what it means is that we are left with more responsibility to train staff, and to provide consistency for children, and now, as we have learned, it often means that very unqualified people can readily find work in child care, because of the high vacancy rate.

I talk to directors all the time, and the most common complaint I hear from people is that staffing a program with trained and experienced people just grows harder every year.

If I have tried to highlight some of the profession's problems, I also want to just take a minute to say that there are some abiding satisfactions that go with the territory. In studies of child care workers conducted by many different people, the same finding occurs. People who do stay on the job—and there are those that do—they do it because they find working with children to be very satisfying.

They enjoy the challenge and the changes, and although this is an awkward thing to say in this era, I think people have to recognize that they enjoy the close physical and emotional relationships with children. The recent revelations about abuse in child care I think are threatening to undermine the most positive aspect of what is otherwise an unappreciated and unrewarding job.

Closeness with children is now an issue tinged with awkwardness and potential misunderstandings. While child care workers empathize with the parents' fears about their safety, many of the child care workers are parents, they are often feeling defensive, sensing that they are being scrutinized. Workers find themselves tripping over words and monitoring their affectionate responses to children. Staff in serveral centers have reorganized their schedule so that no adult will ever be alone with a child.

Many providers are scared to disagree with the parent about anything, for fear of a false accusation of abuse, and for male child care workers the tension is almost unbearable, because they have chosen a nurturing profession; doing so-called women's work, they are particularly suspect.

The bottom line, of course, is that we can't have sex offenders or abusers caring for children, and we must develop mechanisms to prevent this. Fingerprinting and criminal record checks can be helpful, but I think, as many people have said today, there are no guarantees, especially when you realize so many cases have not involved people with prior records.

We have to base our child care policy in this country on more than trying to prevent child abusers and molesters from caring for children. What we have to figure out is not who we don't want but who we do want to be taking care of our children. You couldn't get a group of child care workers or child care professionals to agree on who exactly should be taking care of children, but I suspect that most people would think that the providers require some kind of child-related training.

I think if we want to have providers who are trained and can take care of our children in the best possible way, then we have to take care of providers.

First off, providers need professional level pay and benefits so that you can attract trained people to the field, and so that those people can remain in the field.

Second, I think providers need funding for inservice training that allows people to adequately meet the needs of the families. I don't know if people realize that how much all the discussion of child abuse and child sexual assault in child care in the last few months has raised tremendous questions for people who are actually providing care.

People are dying for inservice, some kind of help to sort out what they can say to parents to make parents feel better, and how they as a staff can figure out what really are the appropriate ways to deal with these questions that are coming up.

Aside from that, there are just a whole host of other issues that people need ongoing training about.

I think when we think about inservice, we can't just think about making sure that people get to hear an expert or someone come in and talk about an issue. I think we also have to talk about some kind of supervision, some kind of system where people are watching what is going on in child care, and where people who are in child care for the wrong reasons can be identified and in some nice way, or not so nice way, told to get out.

The third thing I think that we need, the providers need, is recognition that there are potential preventers of abuse, not just potential perpetrators of abuse. In California, legislation was passed this session, and we are waiting the Governor's signature, that would give remedies to child care workers who have been fired or harassed because they have reported licensing and other violations in their programs. Such whistle-blowing measures are sadly needed, because oftentimes proprietors of centers, not just the staff who are on the floor with kids, are the ones that are doing damaging actions to children. I am not just talking here about sexual abuse, but I am talking about overcrowding, inadequate ratios of adults to children, and so forth.

Fourth, we need support from law enforcement and licensing agencies by responding quickly and decisively to reports of violations in programs. In my job, I talk a lot with people who are working in centers, who feel that something very unsafe is going on in the centers, and not only are they afraid to report what is going on, because they are afraid they will lose their jobs, but they also feel like it just doesn't do any good, that licensing just won't respond.

Fifth, I think providers need resources which will allow them to truly support parents. The tension between parents and providers is not just a function of recent fears about abuse. It is woven into the very fabric of the child care delivery system. In the absence of subsidy from another source, parents' fees can be kept low only if workers are low paid. Thus workers involuntarily subsidize parents through their low wages, or find themselves able to serve only families who can pay high fees. I agree with Gwen that somehow we have got to resolve that or we are never going to allow parents and providers to really communicate.

I was going to say some things about how child care is a place where abuse can be prevented, but I think that has really been discussed. Let me just make a few concluding remarks.

I think that the single greatest protection against child abuse in day care is really the child care worker. We can fingerprint, we can check criminal records, we can interview carefully, and we can scrutinize backgrounds, and I think all those things may be necessary, but they won't solve the problem. We have to realize that to protect children we have to provide more quality child care. Part of that means that we have to recognize the importance, the qualifications and the abysmal situations of our child care workers.

Unless the profession is given its due, we can't police our colleagues and support concerned parents. So we need a labor force that is properly equipped, with physical resources, professional training, social recognition and status, appropriate income and benefits, and protections that will attract our best people to this work. The more professional we become, the more security there is for parents and the better the experience for the child.

As the field now stands, it relies on an inspired group of saints who labor greatly for little rewards, and who are currently encumbered by the abominations of a few sinners. We can do some minimal things to try and keep out the latter group, but the ultimate hope for protecting our children, is for an educated citizenry to send its children to socially valued providers.

And there is no single body in our society better suited to affect this than yours. The millions of us who work in child care earnestly petition your consideration on our behalf and on behalf of America's children and their parents.

[The prepared statement follows:]

STATEMENT OF MARCY WHITEBOOK, DIRECTOR, CHILD CARE EMPLOYEE PROJECT, BERKELEY, CA

I feel greatly honored by the opportunity to testify before this committee today. As a child care worker, advocate and mother, I have fantasized for years that a long parade of child care people would be welcomed here to acknowledge our contribution and to solicit our greater involvement in planning for the developmental needs of our nation's children. But instead, a recent nightmare in the child care field has tragically become the way in which national attention has focused on the child care profession. So, I come before you today with mixed feelings at best.

If I presume to speak for many of the more than three million women and men who earn their full time living caring for children, I will begin with a profile of just who "we" are. Almost two million of us are family day care providers; the remainder work in some form of center program. The vast majority of providers are women of child bearing age—many ourselves and child care consumers. While most family day care providers have not received child related training, the majority of center providers have completed some post-secondary education related to child care.

Let me take a few moments to share with you what it is like to work in child care. A few points will hopefully become unambiguously clear.

First, nobody chooses to work in child care for the glamour, recognition or appreciation. Child care workers are painfully aware that few people think of us as skilled professionals. We're too often dismissed as "just babysitters" or told we have it "easy because we get to play with kids all day."

Second, nobody chooses to work in child care for the pay and benefits. Our low status is accompanied (and reinforced) by terribly inadequate compensation, regardless of whether or not we are well trained. With few exceptions, child care providers share dismal wages and other abysmal working conditions. In most of the country, center staff earn minimum wage or slightly more. In California, known for its relatively high level of compensation due to a greater than average public subsidy, salaries for child care teachers hover around $5 an hour with aides earning about $4 an hour. Family day care providers earn even less. Low pay is seldom balanced by a short work week or other benefits. Program preparation, parent contacts, and general maintenance require additional—and usually unpaid—hours each week. According to three California studies, only a third of teachers, and even fewer aides in centers, receive paid health coverage. Paid sick days, holidays and vacations are enjoyed by many center staff but few family day care providers. Other fringe benefits such as dental coverage, life insurance, pension plans, and paid personal or education days—common to other social service and education workers—are seldom provided.

Third, nobody works in child care because it is easy. Working with children is intense physical and emotional labor; constant exposure to illness and strains from lifting and carrying are common occupational hazards. Working with children demands constant attention; a child cannot be placed "on hold" while adults attend to their own personal needs. Consequently, many providers work long hours without dependable breaks, even when they are entitled to them by law. Securing relief time is further complicated by the lack of adequate space and adult coverage in many programs. Additionally, child care employees fail to receive basic employment protections available to workers in other professions. Most work without contracts which outline their responsibilities, wages, grievance procedures and other conditions of employment.

These conditions greatly affect the quality of services as well as the health and morale of child care providers. Poor compensation fuels high turnover, which averages 30% a year in centers, compared to 10% a year in other human services. For parents and children it means that the person that they come to trust and depend upon changes, on the average, three times a year. (It is hard to leave your child in any circumstances, but it is excruciating if you do not know who the caregiver will be). For those workers who remain, it means increased responsibility to train new staff and to provide consistency for children. Moreover, it's depressing to see colleagues leave at such an inflated rate. And, as we now have learned, it often means that unqualified people can readily find work in child care because of the high vacancy rate. Staffing a program with trained or experienced personnel grows harder each year.

But if I have tried to highlight some of the profession's problems, I must also note the abiding satisfactions which go with the territory. In studies of child care workers conducted by myself and other researchers, consistent findings recur child care workers who stay on the job—and many do—find working with children to be satisfying. They enjoy the challenge, the changes, and let me note this clearly and forcefully, their close physical and emotional relationships with children.

Recent revelations about abuse in child care, however, threaten to undermine this one very positive aspect of an otherwise unappreciated, unrewarding job. Closeness with chidren is now an issue tinged with awkwardness and potential misunderstandings. While child care workers empathize with parents' fears about their children's safety (many of us are parents ourselves), we also feel defensive, sensing that our every move is being scrutinzed. Workers find themselves tripping over words and monitoring affectionate responses to children. Staff in one center reorganized their schedule so that no adult would ever be alone with a child. Many providers are scared to disagree with parents about anything for fear of a false accusation of abuse. And for male child care workers, the tension is almost umbearable. Because they have chosen a nurturing profession, doing so called "women's work," they are particularly suspect.

The bottom line, of course, is that we can't have sex offenders or abusers caring for children and we must develop mechanisms to prevent this. Fingerprinting and criminal record checks can be helpful, but are no guarantee against abuses to children. After all, several of the recently accused offenders had no prior records. But we have to base our child care policy in this country on more than trying to prevent child abusers and molesters from caring for children. As the need for child care continues to grown through the decade, the demand for child care workers will soar. The point is: Now is the time to decide who we want—not just who we don't want—to take care of our children.

Most child care experts cannot agree on exactly what is the best child care. Children thrive in a wide variety of programs. But all agree (and are supported by existing research) that however we define quality, there is no more critical element than the providers of care. And to offer good services, these providers require some child related training. If we want a workforce of child care providers who can respond to the developmental needs of children, you must respond to the needs of these providers:

First, we need professional level pay and benefits that will attract well qualified personnel and allow us to remain in our chosen field of work.

Second, we need funding for in-service training that allows us to adequately meet the needs of families. Recent events alone have created needs for training to help providers talk sensitively with parents about abuse and to talk with one another about appropriate ways of interacting with children. (As a parent I don't want my son touched inappropriately by anybody, but I do want his teachers to cuddle and hug him when he needs and wants it. And I want them to enjoy their closeness with him.) Adequate inservice must also include supervision—a major vehicle for weeding out workers with inappropriate motivations for working with children. (Restoring the Title XX training monies of recent years would be a good first step.)

Third, we need recognition as potential preventers of abuse not just potential perpetrators. (In California, legislation was passed this session, and is waiting the Governor's signature, that would give remedies to child care workers' who have been fired or harrassed because they have reported licensing and other violations in their programs. Such "whistle-blowing" measures are sadly needed, given that proprietors are not exempt from damaging actions to children. Child care workers can be parents allies in protecting children because they witness what happens each day. And, child care workers can often spot abuse that occurs at home which as you know is where the great bulk of abuse occurs.

Fourth, we need support from law enforcement and licensing agencies by responding quickly and decisively to report of violations in programs. All too often offenders maintain operations despite repeated reports on them. Many workers not only fear their own livelihood if they report unsafe or abusive situations but also feel that their reports will have no impact.

Finally, we need resources which will allow us to truly support parents. Tension between parents and providers is not just a function of recent fears about abuse. It is woven into the very fabric of the child care delivery system. In the absence of subsidy from another source, parents fees can be kept low only if workers are low paid. Thus, workers involuntarily subsidize parents through their low wages or find themselves able to serve only families who can pay high fees. The extension of the dependent care tax credit is a model first step toward addressing this dilemma.

Amidst all the discussion of how to prevent abuse from occuring in child care settings, it is essential to remember that child care more often than not prevents abuse. Good child care reduces family strain by providing a safe, nurturing place for children. It is a forum for parents to discuss and understand the often difficult and perplexing behavior of their children. And, it can identify parents in crisis, urging them to seek other help and providing an early protection system for children.

If you take away any single thought of mine from this testimony, let it be this. The greatest single protection against child abuse in day care is the child care worker. Sure, we can fingerprint, check criminal records, interview carefully, and scrutinize backgrounds. That may be necessary, but it won't solve the problem. Nor will moralistic denunciations of child care and "negligent" parents who should feel somehow guilty for holding down jobs and thus using child care.

The ultimate solution to protect children is the same solution for the problem of providing quality child care and the problem of correcting an historical injustice to a sector of the work-force: the solution is recognizing the importance, qualifications, high level performance, and abysmal situation of our child care workers. Since child care is not about to go away. (Every social indication reveals a growing need for it)—let's face this reality squarely. When the profession is given its due, we can better police our colleagues and support concerned parents. But what we need is a labor force that's properly equipped: with the physical resources, the professional training, the social recognition and status, the appropriate income and the benefits and protections which will attract our best people to this work. The more professional we become, the more security there is for parents and the better the experience for the children. Happily, this is one social problem where the interests of parents, children, and workers are ultimately the same—if we can all receive the necessary supports—practical and emotional.

As the field now stands, it relies on an inspired group of saints who labor greatly for little rewards and who are currently encumbered by the abominations of a few sinners. Yes, we can do some minimal things to try and keep out the latter group. But the ultimate hope and protection of our children is for an educated citizenry to send its children to socially valued professionals. And there is no single body in our society better suited to affect this than yourself. The millions of us who work in child care earnestly petition your consideration and then your action on our behalf and on the behalf of America's children and their parents.

Chairman MILLER. Thank you for your testimony. I think it is rather fitting that your testimony does come at the end of this rather long day of hearings, in that you post some warnings for those who would believe that we can rush in and solve this problem in a very short period of time. I think Ms. Morgan pointed out that when you tamper with one of the legs of this system you affect the other two, and that many times that which we would seek to accomplish in the short run may, in fact, in the long term damage the system more.

There is a means by which you can drive good people out of this field. You can drive more people into the unlicensed sector. You can dramatically lower the quality by having the Government get in, in an unwise fashion, in terms of oppressive regulations and regulations that have little or no return in terms of the quality of care that we are concerned about. Those decisions must be made very carefully.

I think, Marcy, you also make the telling summation here, that the time has come for us to decide who we want to take care of our children, and whether or not we will put such a premium on our children that we will pay the price of quality care.

Everybody is for it. Don't get me wrong. There is nobody here that I know of who is against quality care, but the strength of that commitment diminishes as the cost increases. What we are seeing in the seamy side of American life is that the cost of a lack of commitment is being paid by our children, and I think it can be demonstrated there is a fairly direct relationship between our commitment to quality and the episodes that we can expect to continue if we don't change the situation.

You raise a point in your paper, and let me make sure that I understand it. You say that staffing a program with trained or experienced personnel grows harder each year. Can you tell me why, just so I am clear as to whether it is people leaving the field, or whether it is also that training programs are dropping off, or exactly what is happening.

Ms. **Whitebook**. I think it is a combination of a few things. I haven't really seen it documented. It is a hard thing to document, but I have seen it in the field, just having been in it for 15 years. People who are trained, maybe have bachelor's degrees, whatever, after a certain number of years say, hey, forget it, you know, I am 30-some years old, I want to have a family I can't live on $5 an hour. And so what I hear a lot from directors is that when they have openings now, their starting salaries are so low that they can't get people to take the jobs.

Because of unemployment, you can always get someone to take the job, but that you can't get people who you feel are as qualified as you want them to be, and in fact you feel that they are replacing people with lower qualified people. In other words, in 1970, people who went into child care who had training had different expectations than people who are going into it in 1984.

Chairman **Miller**. Let me ask you a question. I have a couple of friends who, over the last year or so, have gone into child care. They did not have the benefit, because of the way their family grew up and their commitments to their children, to be in formal schooling for child development, and now they want to work in a center. They are sincerely interested in advancing in this field, but now have only on-the-job training.

I have listened to them talk and they have indicated that it is difficult to get into a position where you can acquire additional skills.

Ms. **Whitebook**. There are two problems with it. There are a lot of colleges that do have training courses but if people are working it makes it more complicated to get that training. Basically it seems to me what we need is some system of inservice training so that people can be trained on the job. But what happens now is that people go into child care—and this just happened in my son's center last year—we had two well meaning, nice people who wanted the job and they came in and started working and they found themselves, because of turnover, in a position of authority and they weren't really trained to do it. So it is a combination of people leaving the field and the training isn't adequate and the training isn't happening necessarily where it needs to happen. It may be happening in a college but people are already on the job.

Chairman **Miller**. That is my concern. There appear to be a lot of people in this field who did not have the advantage of all the training because they entered the field later in life without that formal education. It is not to pass judgment on their abilities because many of them are tremendous care givers, but they themselves want to acquire the additional skills.

Ms. **Whitebook**. That is one of the dangers if in fact the Federal Government gets more involved or the States do, and they start talking more about qualifications, I think we have to figure out a system of qualifications that doesn't exclude competent, good people who could be good child care workers.

Chairman **Miller**. Does that square with what you have seen, Ms. Morgan?

Ms. **Morgan**. Yes. I am on the committee for the National Association for Education of Young Children looking at child care. What I would like to see is people being able to work with or without college training and training available on the job so that you would have several routes to come into child care. But you do need the knowledge. You don't have to have acquired it all in advance necessarily. That may not be the best way for many people.

Chairman **Miller**. Let me ask you this, if you feel comfortable answering the question. What kind of premium would you place on additional training in terms of the improvement of the system and some of the concerns you heard expressed here today?

Ms. **Morgan**. How it relates to sexual abuse?

Chairman **Miller**. Sexual abuse and the issue of who is taking care of the children?

Ms. **Morgan**. Well, my feeling is that people who have been trained or who are trained have more—how can I explain this—they have more outside fresh air coming into the center. Some of the training will be done by qualified people from outside the center, sometimes people come into the center, sometimes the training takes place elsewhere, but more people will see the trained person rather than having it as some kind of an ingrown situation where nobody ever sees or knows that person, and if the director is not—if the director is corrupt, you can have a whole corrupt staff and nobody would have a way of knowing. So that is one thing.

The other, and more important thing even than that is the fact that we know that training is associated with quality and that if we offer parents more options for quality, and the parents know how to select quality, then it will be much harder for harmful care to flourish and exist.

Ms. **Whitebook**. I would add that I think that training would deal with some of the horrors we are talking about, but I think in just a general way it will affect—in these hearings you begin thinking of the terrible cases and you forget that one of the problems that we have as a country is there is a lot of mediocre care out there where children are not necessarily being abused but not being dealt with in sensitive ways and it seems to me that that is where training is just critical.

If you are in a room with five 2-year-olds and have never been in there before, you might think these kids are all behavior problems, what is wrong with their parents? Someone who has been trained and has a chance to talk about what 5-year-olds are like, they might figure out how to set up an environment for them that is proper, which means that the kids will get better care, they are going to be able to help parents deal with their children. So I think the training is just going to improve the whole quality of the whole system which really suffers at this point.

[The following was subsequently received:]

CHILD CARE

(By Marcy Whitebook)

For fifteen years, I dreamed of opening the morning paper to find a front page story about child care. As a child care worker, advocate and mother, I fantasized a glowing report about the dedication of those women and men who are for children despite miserable wages and terrible status. A fair portrait would also reveal how the intimacy of working closely with young children almost made our deplorable working conditions tolerable. Public sympathy and financial support would then begin to build.

My dream has become a nightmare. Over the last few months we have all read about the sexual assault of many children in licensed centers in New York City and Manhattan Beach, California. Now, as I open the paper each morning, I cringe, expecting to find another horrific headline about sexual abuse in day care. I wonder if I will ever feel safe again to talk about the joy that comes from being physically and emotionally close to the young children with whom we work. As the mother of a two-year-old now in child care, I can't help but worry about his safety. And, as an advocate and working mother, I worry for the future of these services.

My experience of these tragedies is steeped in ironies. For example, child abuse and child care are being inextriably connected, although the vast majority of abuses are actually perpetrated in children's very own homes by people they know. Also, while thirsting for public recognition of child care, I find that the media are interested in us only when children are victimized. Most painfully, there is irony in the fact that what makes our jobs most worthwhile—intimate moments with children—is now an issue tinged with awkwardnes and potential misunderstanding. Finally, there is the irony that while I welcome the revelations of child abuse, I find myself writing an essay that could be misinterpreted as an attempt to discourage those revelations.

To understand the full dimensions of this problem, we need to realize that the awesome tragedies of these children and their families have more victims than those reported in the news. Indeed, the reports themselves inflict many wounds. Parents and child care workers are nervous and vulnerable. I feel more guilty than usual leaving my son each day. Talking with other parents, I sense that mothers are particularly hard hit by these stories. Publicized crimes are heard as a call to return to the home, but most working mothers (or fathers) simply cannot do that.

For child care workers, these news stories produce a different problem. We empathize with parents' fears (many of us are parents), yet we don't know how to respond. We feel defensive, sensing that our every move is being scrutinized. We fear that all child care workers are seen as child abusers. We find ourselves tripping over words and monitoring our affectionate responses to children.

Staff members in one center reorganized their schedules so that no adult would ever be alone with a child. Many providers are scared to disagree with parents about anything for fear of a false accusation of abuse. And for male child care workers, the tension is almost unbearable. Because they have chosen a nurturing profession, doing so-called "women's work," they are particularly suspect. Amid these tensions and fears, the perennial problems in programs are ignored—such as low salaries, high turnover of staff and lack of benefits.

How is all this affecting children? I don't really know, but I suspect that the increased tension between care-givers and parents can have little positive effect. Obviously, I don't want my son touched inappropriately by anybody, but I do want his teachers to cuddle and hug him when he needs and wants it. And I want them to enjoy their closeness with him.

So how do we create a healthy concern for the safety of our children which does not make both parents and workers scared and distrustful? To begin with, parents and child care workers have to approach these problems as partners, not adversaries. Both groups share the problem, albeit from different perspectives. And both must help solve it.

First, we need to recognize that child care more often than not prevents abuse. Good child care reduces family strain by providing a safe, nurturing place for children while parents work. It's a forum for parents to discuss and understand the often difficult and perplexing behavior of their children. And it can help identify parents in crisis, urging them to seek help, and provide an early protection system for children.

Workers need to encourage parental visitation and create vehicles for parental involvement in the programs; parents must see these invitations as opportunities for input and interaction rather than pressures to participate.

Parents and workers must talk to one another about these issues. Acknowledging the tremendous toll these stories take can be a first step. Then all can discuss how to identify child abuse (not as easy as you might think).

We also need to stimulate thinking about how to help children develop positive body images. Adults can benefit from discussing how to balance children's needs for control over tickling and cuddling (my son halts a tickling episode with a confidently asserted "my body," only to invite me or his father to resume the game seconds later) with parents' and workers' needs to limit children's autonomy in regard to diaper changes, bathing or dressing. (My son screams the same "my body" phrase in rage when we rinse his hair or interrupt his play to change a diaper).

I suppose the final irony is that the trauma of recent child abuse has inspired me to write this and inspired others to print it. This is still a long way from my dream. Of course, it's essential that child abuse be identified, publicized and prosecuted. But the scope and tone of the stories reflect a society that still sees child care as a necessary evil at best. Thus, it's no wonder that the media prefers its headlines about child abuse in child care centers rather than in the homes where most abused children suffer most greatly.

So, child care workers and the families who depend on us remain on the defensive. And the dream remains distant of a nation focusing its attention, energy and resources on giving children the best possible childhood. But the hope remains that we can use the recent tragedies to talk together about improving the daily experiences of the tens of millions of children and workers sharing child care.

NORTHERN ALAMEDA COUNTY SALARY, BENEFITS AND WORKING C[illegible]ONS; FULL DAY FACT SHEET: JULY 1984 BANANAS RESOURCE AND REFERRAL/CH[illegible] CARE EMPLOYEE PROJECT

In response to many requests for information about salary and working conditions in local child care centers, the Child Care Employee Project (CCEP) and BANANAS Resource & Referral agency jointly conducted a survey of child care programs this spring in Northern Alameda County (including Alameda, Albany, Berkely, Emeryvill, Oakland and Piedmont.) Information, based on responses to a written questionnaire, was gathered from a random sample of seventy centers. These centers represent, in proportion, the various types of funded programs (private non-profit, private proprietary, and publicly subsidized), as well as the different types of services (part day, full day and school age) in the area. Approximately 700 teachers, aides and directors are represented in the findings of this study.

A summary of the findings for full day programs is found below. Part day and school age program findings are published separately and are available from BANANAS or CCEP. For further information about the study, contact the CCEP office.

THE SAMPLE

Chart I describes the different full day program types in the sample and the number of centers and teaching staff in each category.

CHART I.—DESCRIPTION OF SAMPLE—FULL DAY PROGRAMS

Types of programs	Number of centers	Number of employees	
		Teachers	Aides/assistants
Private nonprofit nonsubsidized (PNP)	11	53	63
Private nonprofit subsidized (PNPS)	8	44	59
College district (CD)	2	12	13
School district (SD)	14	120	163
Private proprietary (PP)	7	27	6
Total	42	256	304

Demographic data, available for all but the school district programs, indicate that 15% of the teachers and 17% of the aides are male, as compared to the 10% average found in other studies (Whitebook, et al, 1982). Seventy-four percent (74%) of the teaching sample was thirty years, or older, whereas only 40% of aides were over 30. Ethic minorities constitute 60% of the teachers and 66% of the aides.

THE FINDINGS

Salaries

Salary findings listed in Chart II reflect the current *starting* hourly wage for teachers, aides and directors in each program type. People who have been working for longer periods of time presumably receive higher wages that reflect their experience.

Note that averages are based on the number of teachers in each center type rather than the number of centers in order to accurately reflect the average earnings in the community.

CHART II.—STARTING HOURLY WAGES

Program type and job title	Average	Range
Teachers:		
Private nonprofit	$6.68	$4.00–8.50
Private nonprofit subsidized	5.97	5.00–8.00
College district	7.68	7.00–8.02
School district	7.27	6.92–8.19
Private proprietary	5.53	4.25–10.00
Total surveyed	6.79	4.00–10.00
Aides/assistants:		
Private nonprofit	4.42	3.35–6.50
Private nonprofit subsidized	4.79	3.61–7.00
College district	5.75	5.00–6.23
School district	4.91	4.30–5.20
Private proprietary	4.25	4.00–4.50
Total surveyed	4.80	3.35–7.00
Directors:		
Private nonprofit	10.87	6.00–12.00
Private nonprofit subsidized	9.30	6.92–14.00
College district	11.4	10.00–12.89
School district	18.63	13.18–23.00
Private proprietary	8.20	6.00–13.00
Total surveyed	10.55	6.00–23.00

Because the data was collected by center rather than by individual, it is not possible to know the professional preparation and backgrounds of staff in relation to particular salaries. However, some general information indicates that the salaries listed here are intended for trained personnel. All but centers require some experience and well over half require one to three years experience for teachers. Eighty-three per cent (83%) of the aides were required to have some experience. Also, all teachers were required to have completed some units in early childhood education and 70% were required to have an AA or higher degree. Thirty-six per cent (36%) of teachers need a BA or higher degree. Thirty-six per cent (36%) of aides were required to have completed some units in early childhood education. Eighty-one per cent (81%) of teachers were required to have at least an Emergency Children's Center Permit. Based on other studies, it can be assumed that many of the teachers and aides employed actually have more training and experience than is required (Whitebook, et al, 1982).

When interpreting the data, it is important to remember that different program types have different sources of revenue and allocate their budgets in various ways. Public programs receiving government funds in addition to parent fees may spend more money per child and therefore may allocate more of their budget to salaries than private programs relying solely on parent-paid tuition to meet operating expenses. Private non-profit programs may be able to allocate more of their budgets to salaries than private propietary programs because they are not trying to generate a profit. Also, unionized programs usually negotiate better than average salaries and benefits for staff. Over half of the staff in this study are reresented by collective bargaining agreements: 100% of School and College District, 45% of Private Non-Profit, 12.5% of Private Non-Profit Subsidized and 0% of Private Proprietary.

In this study, two interesting trends are noted. First, only some subsidized programs pay higher wages. The subsidized private non-profit programs not only pay less than the average community wage but also less than their non-subsidized counterparts. Second, the large number of people employed in school district programs, which receive a large amount of public monies, accounts for much of the variation in wages. Indeed, if the public school programs are excluded, the average community earnings are lower for all level employees as shown in Chart III.

CHART III.—COMMUNITY STARTING SALARIES EXCLUDING SCHOOL DISTRICT PROGRAMS

Job title	Average	Range
Teachers	$6.31	$4.00–$10.00
Aides	4.69	3.35–7.00
Directors	9.79	6.00–14.00

A Word of Caution: The results of any survey can be misleading if not understood in context. When we list average salaries, we are not recommending them as the appropriate level compensation for the field. Rather, we are hoping that people will use them as a guide. If they pay or receive less than the average wage, the going rate can be a goal. If people receive the average or higher, we are not suggesting complacency. In an underpaid field, even those receiving the average wage must strive toward improvement.

Benefits

Fringe benefits are a major way to supplement earnings. Employees with higher wages tend to receive greater benefits. Thus, in this study, employees in the school and college district programs and teachers in general, as opposed to aides, received greater benefits. Employees in the private proprietary programs received the fewest benefits. Child care staff in Northern Alameda County receive better benefits than their counterparts elsewhere due to the high level of public funding and the high percentage of staff represented by collective bargaining agreements. Chart IV summarizes findings about benefits.

CHART IV.—BENEFITS

Health: 83% of teachers and 78% of aides receive some health coverage, 74% of teachers received full coverage; the remainder had to contribute toward insurance costs.

Dental: 55% of teachers and 29% of aides receive some dental coverage. As with health benefits, the college and school district programs account for most of these.

Sick Leave: 97% of teachers and 96% of aides receive some paid sick days. The majority receive one day per month.

Vacation: 88% of teachers and 57% of aides receive paid vacation time each year. The majority receives two weeks a year.

Holidays: 93% of teachers and aides receive paid holidays. Most receive ten or more days a year.

Retirement: 45% of teachers and aides receive some pension coverage. Again, college and school district programs account for most of these.

Life Ins.: 45% of teachers and 38% of aides receive life insurance.

Unemployment: 86% of teachers and 54% of aides receive unemployment insurance.

Maternity: Only one center offers paid maternity leave to employees, although the majority of teachers and aides are women of child bearing age.

Child Care: Only private programs offer reduced child care fees for children of workers employed in the center. 38% of teachers and 30% of aides are offered this benefit.

Working conditions

The quality of the work environment is greatly affected by non-monetary policies. Breaks, mandated by law, are offered by all but one of the centers. However, several centers do not provide a staff room for people taking their breaks. While over 80% of teachers and aides work in centers with written job descriptions and personnel policies, only two-thirds of employees actually have written contracts. These are the same two-thirds who have collective bargaining agreements. In-service training is offered to over 80% of teachers and aides and some educational allowance is provided for over 66% of all employees. Fifty seven per cent (57%) of teachers and 35% of aides receive paid preparation time. Seventy-five per cent (75%) of teachers and 67% of aides are paid for attendance at staff meetings. Almost 90% of all employees are entitled to compensation for extra hours worked.

Turnover

Perhaps no other phenomenon in centers creates as much stress for staff, parents and children as turnover. Children are often disoriented and upset by changing caregivers. Parents are uneasy because of their children's responses and because of their own discomfort about losing someone who knows their children well and the additional stress of developing a relationship with a new provider. Staff are often demoralized when co-workers leave and must expend extra energy to orient new staff and to meet the increased needs of children and parents.

Turnover rates represent the number of teachers who left programs during the last year for reasons other than layoffs caused by low enrollment. The overall rate is 25% for teachers and 30% for aides. According to other studies, there is a correlation between compensation level of staff and center turnover rates (Whitebook, et al, 1982; CCEP Salary Fact Sheets, 1983). Those programs paying the least and offering the fewest benefits have the highest changes in staff. Northern Alameda County centers follow this same pattern: Aides change jobs more often than teachers; Subsidized programs lose fewer staff than private programs; College and school district programs had the lowest rates of turnover; teachers: 8% and 12% respectively, aides: 0% and 21% respectively; Private proprietary programs reported a 70% rate for teachers and an 83% rate for aides.

CONCLUSION

One of the major issues facing the child care community revolves around how to provide child care services for children and families that are both affordable and of high quality. In order to attract and maintain trained personnel to staff programs, it is necessary to provide decent salaries and benefits. Northern Alameda County centers, although offering comparable or better wages to child care staff than in other communities (see CCEP NEWS, 1983), still pay their teachers and aides far less than other social service and teaching staff. Thus, the turnover rates that create so much discomfort for children and parents continue. Yet, fees for services are already unaffordable for many families in the community. To reduce turnover and resolve these financial dilemmas will require much dedication from the entire child care community. Please contact BANANAS and/or CCEP if you are interested in working on these problems.

BANANAS, 6501 Telegraph Avenue, Oakland, CA 94609, 658-6170.

CCEP, P.O. Box 5603, Berkeley, CA 94705, 653-9889.

References: Child Care Employee News, Vol. 2, #3, 1983; Whitebook, Marcy, Howes, Carollee, Friedman, Jane and Darrah, Rory. "Caring for the Caregivers:

Staff Burn-out in Child Care." In Current Topics in Early Childhood Education, Vol. IV. Lillian Katz, Editor. New Jersey: Ablex Publishing Co., 1982.

This study was supported by a grant from the Rosenberg Foundation.

CHILD CARE EMPLOYEE PROJECT,
Berkeley, CA, September 26, 1984.

MARCIA MABEE,
House Select Committee on Children, Youth and Families,
Washington, DC.

DEAR MARCIA: Sorry we didn't get a chance to talk more at the Hearings. I thought they were very useful and I trust that you did too. I am sending you a couple of resource materials that may be useful for any report you are preparing.

I would also appreciate your letting me know (as soon as possible) how one can get copies of hearings' testimony. I am particularly interested in the June 18th hearing held here in San Francisco. I know they are printed in something but I have not been able to locate them. I would appreciate any advice you can share.

Thank you for asking me to testify. It was an honor for me.

Regards,

MARCY WHITEBOOK,
Director.

[Child Care Employee News, Fall 1983]

THANKSGIVING TIME

Thanks to our Northern California and Los Angeles Advisory Committees for your support and feedback.

Thanks to Gerri Ginsburg, Linda Collins and Willa Pettygrove for their help with so many of our projects over the last few months.

If it weren't for child care workers, CCEP literally wouldn't exist. We aren't just referring to the many of you out there (who we obviously need and appreciate) but to those particular child care workers who take care of our two CCEP kids! Special thanks!

Speaking of child care workers, CCEP wants to make contact with more than the current 2000 of you who read the News or our other materials, After all, there are several hundred thousand child care workers in the country. You can help us by giving us the names and home addresses of five co-workers or colleagues who you think would be interested in the News.

While we are talking about giving, don't forget about our Workers and Children Postcards. They make inexpensive gifts (for yourself or others) and really help us to provide free services through our Workers Resource Fund.

WAGE WOES

In this issue we highlight data from the most recent surveys conducted around the country. While the findings suggest a glimmer of hope—some people actually do get yearly wage increases and have written grievance procedures and contracts—they also confirm many of the difficulties most child care workers confront.

In a recently completed study of child care workers' compensation or over a period of 7 years (1975–82), Willa Pettygrove, Mary Weir and CCEP staff found that in terms of buying power, monthly salaries actually have decreased for many child care employees. This data based on surveys of a California and Illinois workers) demonstrates that even when monthly salary ranges rise over the years ($346–1383 in 1975; $346–2018 in 1982), if they don't keep pace with inflation, employees lose ground. The Consumer Price Index rose 79.4% in that time period. Having started out behind compared to the earnings of other workers, (in 1975 the median income of the child care workers was $5100 compared to $5204 for other female service workers, $9488 for male service workers, and $10,292 for elementary school teachers), in 1982 child care employees were still just trying to catch up. (The 1982 median income of child care workers, $10,155 was just beginning to approach the 1975 median income of elementary school teachers). [An indepth report of this study will be in a future issue of the NEWS]

Beyond general underpayment, the surveys raise other urgent problems plaguing the child care work force:

Different types of programs have different wages scales: those with public funds often pay better than those which are privately funded. (This may get worse as many non-profit centers will have to begin paying Social Security taxes (FICA) beginning in January, 1984. This will take 6.7% directly out of the employee's paycheck and an equal amount must be contributed by the employer). These differences often lead to tension among child care workers and impede unified strategies. Given the underfunding of all programs, no immediate solution is apparent, but acknowledgement of these differences is an important first step.

Distribution of wage increases, already few and limited, is often inequitable. Percentage increases always benefit the higher paid staff in absolute dollars. This widens the gap between aides, teachers and administrators and creates tremendous tension. Everyone deserves higher pay, but to raise some positions at the expense of others fuels discontent.

There is a severe lack of benefits and decent working conditions, particularly a lack of protection for staff in the case of illness, pregnancy and old age. In most communities, 66 percent or more of teachers and aides have no health coverage, and 80 percent have no pensions. Virtually no workers have maternity or paternity leave. Many of these workers have poverty level earnings and must seek other forms of employment in order to attain basic security for themselves and their families.

Too often, workers are caught in a tug-of-war: their won needs compete with those of the families they serve. (See chart below). Who can win when raising salaries means laying off staff and/or serving fewer children? Or when offering health care benefits means raising parent fees?

The long term solution to these issues lies in more government and corporate support for child care and other human services. In the short run, some inprovements may be made with little expenditure of funds. Sliding fee scales, parental involvement in fundraising for staff benefits and improved working conditions (as opposed to new equipment), paying staff for unused, but budgeted sick days, and developing written job descriptions, grievance procedures and contracts are examples of efforts that cost little but signify lots of respect for workers.

Most importantly, child care workers must raise awareness of their needs among parents, legislators and other policy makers. Collecting data and raising the need for regulatory protections for child care workers are important first steps. (See National Notes). Such small improvements build sensitivity to our needs and hopefully will pave the way for more extensive support when better times come.

SURVEY HIGHLIGHTS—CALIFORNIA ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN [CAEYC] 1983

Approximately 600 CAEYC members responded to a survey enclosed in the Winter CAEYC Newsletter. While the going teacher salary rate in most California programs is slightly more than $5 an hour, CAEYC members averaged between $6.50-6.99 an hour. In part these higher figures reflect the large number of CAEYC members holding supervisory and adult education teaching positions. Although they fare better than many of their colleagues, these CAEYC members are still plagued by inadequate compensation. Over one-half have no health coverage and 80 percent receive no retirement benefits. Additionally, the majority receive no "frills" such as paid time for preparation and staff meetings, over time pay, cost of living allowances and written grievance procedures.

MINNESOTA

As far as CCEP can determine, this is the only state where annual statewide salary data is collected. This information provides child care adovcates with up-to-date facts and allows for measures of improvement over time. The Department of Public Welfare sends out a short, easy to fill out form to all of the programs it licenses . . . at an estimated yearly cost of only $1500. Imagine if every state did this! For more information contact: The Bureau of Social Services, Monitoring and Reporting Section (612) 296-2786.

This year's findings show an average hourly wage of $6.50 for directors, $5.02 for teachers, $4.20 for assistants, and $3.70 for aides in day care centers. (Salaries for corresponding staff in nursery schools were generally higher: $7.52, $6.86, $4.87, and $4.25 respectively). Salaries in public programs were considerably higher than in private ones. Non-profit programs pay slightly more than private proprietary centers. Combined average salaries for all day care staff rose only 2 percent from 1982-83, compared to an average increase of 6.2 percent from 1981-82. For nursery school staff, salaries rose 8 percent from 1982-83, compared to 7.5 percent from 1981-82.

HEADSTART STUDY

A recently released study compares starting Headstart salaries with starting public school kindergarten salaries in each state in 1981. The following states pay Headstart teachers the highest wages in comparison, about three-forth as much as kindergarten teachers:

Conn., District of Columbia, Fla., HA, Ill., Mass., Mich., N.J., N.Y., and Wisc.

These states pay the lowest, approximately one-half as much as kindergarten teachers:

AL, CO, Del., Iowa, Minn., Miss., MO, Montana, Utah, W. Va., WY.

All other states fall somewhere in between. For more information contact Mike Ambrose, Headstart Bureau Dept. of Health and Human Services, Washington, DC 20201.

THREE CALIFORNIA COMMUNITIES

In conjunction with local resource and referral agencies, CCEP conducted surveys this spring in two urban areas—Pasadena and West Los Angeles and in one partially rural community—Santa Cruz County.

Teachers' wages ranged between $3.35 and $11.19 an hour, with the average falling at slightly over $5 an hour. The average wage for aides varied; in Santa Cruz it was as high as $5.01 an hour and in Pasadena it was as low as $3.84 an hour. Directors earned between $4.58 to $16.75 an hour depending on program type; most earned between $7.50 and $8.50 an hour.

In all three communities 70–80 percent of teachers receive paid vacation, holidays and sick leave and unemployment and workers' compensation insurance. About half the aides receive these benefits. Only about a third of the 1400 workers represented in Pasadena and West Los Angeles surveys receive health coverage as a benefit; in Santa Cruz almost half the staff receive health benefits due to a community wide insurance plan for child care staff. The vast majority of staff in all communities fail to receive retirement, dental or maternity/penalty benefits.

In West Los Angeles, CCEP was able to measure changes in compensation between 1980 and 1983. The increase in program costs to parents and the cost of living were roughly equivalent—about 19.5 percent. Staff salaries also went up during this time but at varying levels. Directors received a 25 percent increase while teachers received 18 percent and aides only 14 percent.

EMPLOYEE TALK

DEAR E.T.: As winter approaches with fewer daylight hours, I find myself more scared to be alone at our center. I lock up after the last parent comes at six. Then I walk across our unlit yard and down two residential streets before I reach the bus. My co-worker who is responsible for opening the center at 6:30 in the morning is also jittery; last week she encountered a stranger in the yard. After that incident I raised the issue of self protection at a staff meeting, mentioning a sexual assault I heard about at another center across town. Most people were concerned but didn't know what to say or do; a few suggested that I was making a mountain out of a mole hill.

ON EDGE EMPLOYEE.

DEAR ON EDGE: I certainly don't think you're overreacting. Self protection is particularly important in child care settings where women employees are often alone early and late in the day. One of the common myths held by women in our society is that sexual assaults won't happen to them. Yet statistically it happens to one out of every four women!

Another myth is that nothing can be done to stop assaults. Recent studies indicate resistance from a woman in the first few seconds wards off an attack 80 percent of the time, even when a weapon is involved. Sound preventative measures can also help. Here are a few specifically for child care centers:

(1) Analyze the interior and exterior environment of your center for safety. In most communities, the sheriff or police department's crime prevention unit will do this for free. Check access area lighting, unnecessary shrubbery, etc. Have parents fund raise for exterior lights for the yard.

(2) Solicit parent involvement. Have the closing staff person leave with the last family as routine policy.

(3) Encourage co-worker cooperation. Support and take care of each other. Try to maintain sufficient staffing at all times of day. Walk together to cars or buses.

(4) Be alert when opening and closing. Walk or drive around the building in the morning looking for illegal entries and then trust your intuition.

(5) Know where the nearest phone is, and introduce yourself to specific neighbors who you can go to for help. Have a planned escape route.

(6) Call police if suspicious—better safe than sorry.

(7) Discuss procedures on how and when to deal with strangers in your center at staff meetings.

(8) Talk to your landlord about safety measures (e.g. deadbolt locks for windows and doors). In some communities landlords are liable if they fail to secure their property.

(9) Use community resources to educate yourself, coworkers and parents about self defense and assertiveness training. Many cities have Rape Crisis Centers which provide free or low cost workshops. Plan one for your staff inservice, a parent meeting or for a local early childhood conference.

We who spend so much time helping children learn appropriate responses for different situations must be realistic about our own capabilities. We must face the reality that in our present society, people must think seriously about personal safety.

E.T.

Thanks to Peggy Haack, Madison Area Child Care Workers United (MACWU) for this information.

CHILD CARE WORKERS IN OTHER COUNTRIES

CANADA: MINI SKOOLS STRIKE SETTLED

After seven months on the picket line, a settlement was reached between Mini-Skools and the members of OPSEU Local 588. (See CCEP NEWS, Vol. 1 #4). Most of the striking workers have returned to work, but don't view the settlement as a victory. They were forced to accept the same wage increase for the first year (15 percent) that they rejected when they struck in October. They did however receive an additional 10 percent increase in the second year of the contract. Still unresolved is the issue of scabs—whether or not they will be allowed to remain employed. Union members are appealing to the provincial Labour Board about this issue, fearing that if scabs are allowed to remain they will greatly weaken the union.

These striking workers faced enormous odds—a multi million dollar corporation willing to lose thousands of dollars in order to break the union. (The Mini-skools chain is owned by Kindercare which operates over 700 schools in the U.S. in addition to 14 in Canada). While disappointed by the settlement, striking workers can claim some victories. They gained much support and helped to educate many labor, women's and parents' groups about child care working conditions. They were also able to provide alternative care in their homes to half the children enrolled in two of the striking centers. The third center was closed by Mini-skools but workers there secured and renovated a site owned by the public schools and are now operating a non-profit worker controlled center for seventy infants and preschoolers. Parents pay low fees yet workers are making a higher wage then Mini-skool ever paid!

Thanks to Action Day Care, Ontario for this update.

GREECE

The cradle of "western" civilization is rocking! Imagine 14 months pay for 12 months work! That's what Greek child care workers get—their monthly wage (set by the government) is doubled during Christmas, Easter and summer vacation. And, in one center sponsored by the national telephone company, parents pay only $5 a month yet teachers receive professional level salaries and working conditions.

Thanks to Dorothy Hewes, San Diego State University, for this item.

NAEYC NEWS

Managing the media maze: CCEP has received $500 from NAEYC to help produce a pamphlet for child care people on dealing with the media. It will include lots of "how to" info—like how to call a press conference, write a public service announcement, etc.—easy to use resources, a history of how child care workers are depicted in the media and some ideas for change. Send us any media outrages or complimentary coverage you encounter. Thanks.

GEORGIA GATHERING

Get together with others trying to improve the situation of child care staff. If you are coming to the NAEYC conference in Atlanta, please join us on Friday night for the Employee Caucus meeting and on Friday and Saturday at the Personnel Track

Workshops. For those of you unable to attend (we can manage only thanks to the generosity of our funder), we will give you a detailed report in the next issue of the News.

NATIONAL NOTES

CALIFORNIA

In a Santa Monica center teachers and aids joined forces to protest an unfair labor practice: aides were filling in for absent teachers—assuming all of their duties—but still receiving their regular, lower wage for that day's work. The staff petitioned the board and obtained an additional $12 per day for aides who are functioning as teachers.

In a West Los Angeles center, staff requested that a planned Teacher Appreciation Day be changed to a Teacher-Parent day. This gave staff an informal way to make suggestions to parents. On the butcher paper placed on the wall for parents to wax poetic about teachers, staff got to put in their two cents. Sample comments: I like parents who say good morning . . . call me by name and ask about my weekend . . . I appreciate parents who call when their child will be coming late and let me know if anything special is happening around home.

Thirteen Southern California people fired from Golden Day Child Care Center for trying to form a union in 1976 finally received over $77,000 (collectively) in back pay this summer. Their case establishes the clear right of child care workers to organize (see CCEP NEWS Vol. 2 #2) Early Childhood Federation 1475 first brought the case to court over seven years ago and their relentless efforts helped to achieve justice at last for these child care workers.

MARYLAND

Early Childhood students at Montgomery College in Rockville collected occupational health and safety data from over 500 child care workers in ninety centers last spring. Using the CCEP questionnaire, instructor Marian Green had students collect data which confirms many of the hazards such as back-ache, use of pesticides, etc. that we found in our survey of CCEP readers. The findings will be presented this fall to the County Commission on Children and Youth. Next spring, Ms. Green plans to undertake a salary survey . . . talk about making school relevant.

MASSACHUSETTS

A law insuring a Living Wage for Child Care Workers? That's what the Day Care and Human Services Local, District 65, UAW is working on. This year they managed to get a bill submitted to their state legislature that would mandate that all employees in state funded programs for children or the elderly should "receive a minimum hourly wage commensurate with no less than the lowest entry grade for employees on the general salary schedule of the commonwealth." This "wage floor" was set at $5.07 an hour as of 7/83 which would be a significant rise for many day care workers. The bill also called for a comparability study of day care and other state jobs which would likely result in even higher wages for day care staff.

The supporters of the bill emphasize the importance of maintaining the same volume and quality of service for children. Nobody wants to see the bill used to raise salaries while slots and ratios are cut. Although the bill was killed in committee this year, supporters are hopeful that this coming legislative session will bring a statewide salary study at least. For more information about this bill, contact Nancy DeProsse, 636 Beacon St., Boston Mass. 02115.

MINNESOTA

In Minneapolis, the Child Care Workers' Alliance successfully mounted a campaign to get a resolution passed which requires the county to conduct an impact study on any action that effects child care workers. In other words, new funding, licensing regulation changes, etc. must all be examined in terms of their impact on staff, not just children. This is a encouraging step forward. For copies of the resolution write to CCWA, 3602 4th Avenue South, Minneapolis, Minn. 55409.

MICHIGAN

In Ann Arbor the AEYC affiliate, in conjunction with the local child care resource and referral agency, CCCRS, have formed a child care workers' task force. Its goals: to present to the public an accurate picture of what people who work in child care do, the nature of the work and the actual costs of running a child care program.

Each monthly meeting of the task force is divided into two sections: one part focuses on offering general support to local staff; the other is a time for the group to pursue on of its several community action-oriented projects. The group received a NAEYC Membership Action Grant (MAG) to conduct an in-depth salary and working conditions survey to be used for community education and advocacy efforts. Also under way is an attempt to create a community-wide child care workers health insurance plan and an examination of job descriptions to generate concrete examples of the "unwritten" responsibilities that are essential to running a child care programs. For more information contact Bess Manchester or Bill Kell at CCCRS, 1024 Hill ST. Ann Arbor, Michigan 48104.

WISCONSIN

MACWU (Madison Area Child Care Workers United) has developed a model set of personnel policies for local centers. The policies (personnel benefits, employment procedures and wages) are in brochure form. MACWU members plan to help local centers discuss them and evaluate their own policies. For more information contact Peggy Haack, Magic Penny Day Care Center, 203 Wisconsin Ave., Madison, Wisconsin 53703.

In other Madison news, MACWU recently learned that their wonderful newsletter (which CCEP relies on for lots of information and inspiration) was not refunded by the city; however, MACWU did receive city funds for their annual "Workers Day" held each fall. The group will continue looking for money as the newsletter is the key to their communication with other child care workers. Meanwhile, another hopeful development, is the creation of a Child Care Worker Outreach Project at the local 4 C's. The project, which is coordinated by a part time paid staff member, has already engaged in a radio show about child care workers and is developing a center consultation project to help staff at individual centers discuss policy changes to concretely improve working conditions with existing resources.

WASHINGTON, DC

The Occupational Outlook Handbook published by the Bureau of Labor Statistics contains general information about different types of employment. No mention is made of child care or any related jobs. CCEP wrote to the Dept. of Labor offering resources so the book could be properly updated. The response: due to funding cuts, no "new" occupations can be listed for the time being, but a file will be kept in the event that more funds become available. Wonder who has been taking care of children for working mothers all these years if child care is a new occupation? What do you think will be given higher priority—computer technicians—a truly new occupation—or us? Write and complain! Occupational Outlook Handbook, Bureau of Labor Statistics, Department of Labor, Washington, D.C. 20007.

WHAT DO EMPLOYER SUPPORTED PROGRAMS DO FOR CHILD CARE STAFF?

Speculation about the benefits of employer supported services can be heard in many gatherings of child care staff. Comments such as "Directors will receive the same as any department head in the hospital," or "Teachers will be paid comparably to other employees in the corporation with equivalent training," are heard. Then, more pessimistic voices emerge, often from those who have had contact with employers: "Employers are only going to pay the going rate in the field—that's always their first choice," and, "They say they want the best qualified staff until they calculate costs . . . then they sing a different song." The discussion becomes more muddled when one person tells of her friend earning $8 an hour teaching in a hospital center and another tells of a colleague earning only $4.50 teaching at a worksite program.

How do child care staff actually fare in employer supported programs? Thanks to the efforts of the National Employer Supported Child Care Project, funded by the ACYF, Department of Health and Human Services, preliminary information is available. The Project identified all of the employer and union efforts in child care across the nation and asked each to complete an indepth questionnaire about its program. Findings regarding salaries and benefits in the some 200 employer supported child care centers in the country are discussed below.

When evaluating salaries, it is best to remember that even those staff who earn better than average wages often do not receive an adequate wage. The chart below reveals the compensation level of workers in employer supported programs in 1982:

HOURLY WAGES/EMPLOYER SUPPORTED CHILD CARE, 1982

	Teachers n=190 (percent)	Aides n=152 (percent)	Directors n=93 (percent)
Under $4	10.5	45.5	1
$4 to $4.99	30	32	6.5
$5 to $5.99	24	15	6.5
$6 to $7.99	32	6	27
$8 to $8.99	3		30
$10.00+ [1]			29

[1] Only 6.5 percent of directors made over $12 an hour.

Wages alone are a poor indication of compensation because benefits can significantly improve earnings. In this respect staff in employer supported programs fare better than their colleagues. Of the 209 programs surveyed, 62% rated their child care staff benefits as equal to those for other employees in the company. Only 14% rated them as less than other employees and 4.7% stated that their child care employees received no benefits. Beyond benefits, the vast majority of staff in these programs receive regular salary increases.

Thus, many employer supported child care staff rank among the better compensated staff in the field—but it is important to remember that not all do. The National Study found that 40% of teachers, 78% of aides, and 7.5% of directors receive less than $5 an hour for their work. 16% can expect no automatic raise this year. Workers in employer supported child care may have greater opportunity, but no guarantees, for a better than average child care wage.

As employer supported child care expands, it is possible that the poor conditions plaguing the field will be replicated in this new form of service. After all, cutting costs is what success in business is all about! In order to insure adequate compensation in these programs, child care workers must engage in efforts to raise consciousness about the importance of decent working conditions for staff. When approaching employers or others interested in establishing work related child care, be prepared to raise these issues:

WAGES AND BENEFITS

When asked the going rate in the field, explain the inadequacy of current wages. Suggest a child care pay scale commensurate with other company employees with similar training and education. Stress that child care workers salaries should be comparable to those doing equally skilled work.

If no equivalent positions exist, suggest that child care staff be paid at a higher than average level for child care workers in the community. Indicate that this is the trend in existing employer sponsored programs.

Also, encourage employers to include child care staff, whatever their pay rate, in benefit packages available to other employees in the company.

RAISES

Urge that child care staff be given yearly salary increases to assist them in dealing with inflation and to help overcome years of underpayment. Indicate that such a policy would help to attract and maintain highly qualified personnel.

TURNOVER

Raise the issue of turnover and its documented relationship to low pay and lack of benefits. Employers are sensitive to the high cost of turnover and want to avoid it.

WORKING CONDITIONS

Advise employers to pay attention to working conditions such as contracts, breaks, and grievance procedures as well as to compensation. Emphasize the importance of these things to the well being of staff and the children in care.

RESOURCES

Urge employers to educate themselves about resources available to them such as tax credits, the child care food program, in-kind donations and community programs which will assist them with costs and help create more flexibility in their budgets to provide decent staff wages and to accomodate parents' needs for affordable care.

For more information about employer supported child care contact the National Employer Supported Child Care Project, 330 South Oak Knoll, Room 26, Pasadena, Calif. 91101.

A more detailed report on salaries in employer supported programs is available from CCEP.

UNION UPDATE

Clarification: Our definitions of different kinds of union shops were unclear in the last newsletter. Here are more accurate descriptions:

"Open shop"—a workplace where union membership is not a condition of employment; workers can decide at any time whether or not to join the union.

"Closed shop"—a workplace which hires and employs union members only. These are illegal except in a few construction trades.

"Union shop"—a workplace in which every worker covered by the contract must become a member of the union within a certain number of days after employment. Closed shops are not permitted in public sector workplace in some states.

"Agency shop"—a workplace in which workers in the bargaining unit who refuse to join the union must pay a service fee to the union equal to union dues.

"Modified union shop"—a workplace in which all employees who are members of the union at the time of contract signing and all new employees must remain in or join the union for the duration of the contract.

Additions: In our emphasis on unions across the country, we neglected to mention organized child care workers in our own backyard. But organized they are—the aides in Oakland's full day, publicly funded Children's Centers! Over 150 aides are represented by the American Federation of Teachers. For more information, contact Agnes Ramirez, United Teachers of Oakland, UTA, 1333 Grand Ave., Piedmont, Calif. (415) 653-5177.

And, over 200 Headstart and publically funded day care teachers are also represented (and have been since 1976) by the AFT in Washington, D.C. For more information, contact Denise Fennell, (202) 452-8120.

Don't forget the National Educational Association (NEA) which also represents some child care workers. For more information, contact NEA, 1201 16th St., N.W., Washington, D.C. 20036 (202) 833-4000.

Hot off the press! CCEP's union pamphlet: Includes: an overview of union and child care in the U.S.; questions and answers about collective bargaining choosing a union; sensitive issues in organizing, steps to organizing, what's in a union contract, and women workers and organized labor. Send $1.50 to CCEP, P.O. Box 5603, Berkeley, Calif. 94705 for whole pamphlet. "Choosing a Union" is 50 cents. Thanks to Daycare and Human Services Local, District 65, UAW in Massachusetts and the Child Care Law Center, San Francisco for their assistance with this project.

ANNOUNCEMENTS

NUCLEAR NIGHTMARES?

A new resource for adults and children worried about war. A California group—Teaching in a Nuclear Age, sponsored by BANANAS Child Care Referral—has developed a peace curriculum called Let's Talk About Peace, Let's Talk About Nuclear War. For use with parents and children (primarily in elementary school) this excellent resource offers exercises to help people confront their fears and engage in efforts to counter nuclear madness. Available from BANANAS for $10: 6501 Telegraph Ave., Oakland, Calif. 94609.

Pass this newsletter on to a co-worker!

Also available from BANANAS, free handouts on how to get through the holidays: "Holiday Colors: Red and Green or Just Plain Blue?"

"Some Thoughts on Summer or Holiday Custody."

"Horrifying Halloween."

"Bah Humbug!"

Send a self addressed stamped envelope to the above address.

SHOP SAFE

Since 1940 the Art and Craft Materials Institute has been testing and certifying children's art materials as non-toxic. Materials receive an AP (approved product) or CP (certified product) classification if they meet certain standards, including being safe if ingested. A comprehensive listing including product, manufacturer, brand names and seal classification is now available. Urge your program and parents to use only AP and CP products. Write for a copy of the list to: Art and Craft Materials Institute, 715 Boylston, St. Boston, Mass. 02116 (617) 266-6800 Thanks to the Massachusetts Child News for this item.

Speaking artistically—we need graphics depicting child care workers on the job. (You know, drawings of a worker trying to change a diaper with another toddler clinging to her leg). If we use your drawing in the News, not only will your name appear in print, but you will also receive a free set of our Workers and Children postcards.

PRAM SCAM

Several new companies have formed this year which reputedly train American child development students for the equivalent of age-old British Nanny work in private homes. Tuition ranges from $1000 to $1500 for a four to eight week course. Anticipated wages upon completion of training? $5 to 7 an hour; placement not guaranteed. CCEP is trying to learn more about these "nanny colleges" Please let us know of any in your area.

CAREGIVERS IN DAY CARE: WHO ARE THEY?

An indepth look by Nora Palmer Gould (Day Care and Early Education, Summer 1983) at 100 suburban New York child care workers' opinions about the field and their level of compensation. The article illustrates how child care workers are stuck in low paid positions because their jobs are considered women's work.

Chairman MILLER. Thank you.

Thank you very much, both of you, for your time and your testimony. That will complete this joint hearing between the Committee on Ways and Means and the Select Committee on Children, Youth, and Families. On behalf of Chairman Rangel and myself, I would like to thank all the witnesses who gave us of their time and their expertise today.

The committee stands adjourned.

[Whereupon, at 4:05 p.m., the hearing was adjourned.]

[Submissions for the record follow:]

STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
Sacramento, CA, September 13, 1984.

Hon. GEORGE MILLER,
Chairman, Select Committee on Children, Youth and Family,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MILLER: Thank you for your invitation to testify before a joint hearing of the Select Committee on Children, Youth and Family and the House Ways and Means Committee on child abuse in child care facilities. My schedule does not permit me to testify, but I am enclosing several recent statements and speeches on this subject.

Last May 22, I spoke at a conference on child abuse in child care facilities which was sponsored by the California Department of Social Services for law enforcement and child protective agencies. The conference was mandated by the Legislature to train law enforcement/child protective officials to recognize the signs of child abuse in child day care facilities which are licensed by the state Department of Social Services.

My remarks at that conference are enclosed.

In addition, my office has been actively involved in efforts to improve detection and reporting of child abuse generally. As you know, the incidence of reported child abuse has increased dramatically in recent years. The Attorney General's Child Abuse Central Registry, which records suspected abuse cases statewide for local law enforcement and child protective agencies, has seen an astonishing 983 percent increase in reported cases in the past decade.

To deal with this growing problem, I have sponsored legislation to automate the Registry and have urged FBI Director William Webster to establish a National

Child Abuse Registry. Since child abusers tend to be a mobile lot, this information is critical in tracking their activities. And, the Registry concept has particular importance for operators of child day care facilities; it is imperative that known abusers not be permitted to work in or operate day care facilities.

The information contained in such a national registry should only be available to agencies with a compelling need and in the direct interest of protecting our children from the harm and damage that comes from such abuse. The California registry operates under the protection of a very carefully constructed set of controls for the protection of the confidentiality of these data, and a national registry would have to operate with similar protections.

It is also essential that law enforcement work closely with private citizens in detecting and reporting child abuse. To that end, I am sponsoring a pilot program for Neighborhood Watch participants to train them to better recognize the signs of child abuse. Clearly, the sense of community which has made Neighborhood Watch so successful in detering home burglaries can be expanded to include crimes against children. That concept also has important ramifications for so-called family day care homes which are operated in residential communities, or for day care centers in those communities.

I commend your efforts to deal substantively with this serious and apparently growing problem. I regret that I was unable to testify but hope the enclosed information will prove helpful. Should you decide to hold field hearings in California, please let me know so that I can arrange my schedule accordingly.

Sincerely,

JOHN K. VAN DE KAMP,
Attorney General.

Enclosures.

STATEMENT OF JOHN K. VAN DE KAMP, ATTORNEY GENERAL OF CALIFORNIA, CHILD ABUSE IN DAY CARE CONFERENCE FOR LAW ENFORCEMENT/CHILD PROTECTIVE AGENCIES, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, LOS ANGELES, CA, TUESDAY, MAY 22, 1984

Good morning. I am pleased to be a part of this important conference, though I am saddened by the need for it.

Too often, it seems, significant governmental action to protect helpless or abused members of our society only comes as a result of publicity about the horrors committed against them. (The Candy Lightner story did it for better drunk driving laws.)

Clearly, for whatever reason, there is growing sensitivity on the part of public officials—and the public generally—to the need for action to protect that most precious and vulnerable of our resources—our children. Seize the day.

I don't have to tell this audience about the wildly escalating number of child abuse cases reported to law enforcement and child protective agencies. In the attorney general's child abuse central registry, we have seen an astonishing 943 percent increase over the past decade in the number of suspected abuse cases reported to us by law enforcement and child protective agencies which have those cases under investigation.

Whether there are more abuse cases or whether more are being reported as the issue gains wider public understanding, we just don't know. We do know that the problem deserves the best resources available to the law enforcement and social services agencies represented here today.

Today we deal with abuse discovered taking place in facilities whose managers and owners are supposed to provide care for children—trustees of your will.

It should be noted in passing that this conference was legislatively mandated long before this issue came to the forefront of public interest as a result of the McMartin preschool arrests and other recent investigations and prosecutions of child care providers.

In fact, the mandate of this conference was originally to deal with so-called family day care homes, private homes where tens of thousands of California children needing child care are placed while their parents work.

A case which brings this conference into perspective, the infamous Lori Nathan ran a family care home—unlicensed as so many are—in Martinez, in northern California. Last February 10, Lori Nathan was sentenced to 44 years to life for the murder of Matthew Cromwell just 10 days before his first birthday in 1981. She was convicted of abusing dozens of other children entrusted to her care.

The judge called her crimes "egregious and heinous."

Like the McMartin preschool, which was State licensed, Eleanor Marie (Lori) Nathan ran a model day care program.

For nine years parents thought she was the perfect babysitter.

Parents recommended her to their friends in need of child care.

Lori Nathan's house was a model of neatness and decorum.

Which may have been part of the problem.

Publicity about the Nathan case, the McMartin case and others has struck sheer, cold terror in the hearts of working parents.

It is important to remember here that most women—and men—work because they have to. And most women work in low-paying "traditional" jobs, because they have to.

For those women—many of whom are single mothers at the bottom of the pay scale—the horror stories of abuse in child care facilities are doubly terrifying. Unlike parents who can exercise some choice in child care, poor women often have no choice. Their young children are frequently left alone at home, the phenomenon of "latchkey children" now receiving long-overdue attention and, finally, a modicum of funding for child care.

It has been said that a society is judged by how it treats its weakest members. Certainly, a society that purports to revere children can now put its money and its public policy where its mouth has been.

Conferences like this one are a heartening first start—an important beginning for an era of cooperation among the many law enforcement and social services agencies involved in protecting children and prosecuting their abusers.

Just to give you an idea of the extent of the child care problem in this State—and some insight into how ripe it is for exploitation and abuse by unprincipled operators—a recent report by the California State Senate Office of Research estimated that 620,000-815,000 California children return to empty homes after school because their parents cannot afford child care or because care is not available. The national total, according to the Senate report, is believed to be as many as six million latchkey children.

I will support reasonable legislation addressing the issue—for example, the present Senate "latchkey" package which will provide funding for before—and after-school care for 50,000 latchkey children from low-income families in California.

You may ask why law enforcement should be concerned about day care. According to the Senate report, the latchkey child is "often vulnerable to hazardous situations" which endanger the child or "induce antisocial behavior."

The unsupervised young people sometimes become involved in delinquent activity—perhaps not early on, but later if the lack of supervision is allowed to continue kids need guidance; they need adult involvement and supervision.

We have found in our efforts against school crime, for example, that effective anti-truancy programs have a dramatic effect on the daytime burglary rate. I don't wish to leave the impression here that all latchkey kids, not for that matter all truants, are would-be burglars, but the danger is there.

A recent U.S. News and World Report article concluded that, "After taxes, housing and food, child care is the biggest expense—and concern—for many American families."

"In millions of U.S. homes," U.S. News concluded, "working couples are agonizing over the same nagging question: where to go for good day care for their children. With licensing requirements either lax or non-existent, more parents worry whether they can trust strangers to look after their youngsters."

Even for those who can afford it, child care is hard to find. There was a waiting list, you may recall, for parents wanting to place their children in the McMartin preschool.

Nearly seven million youngsters under six years old are already in some type of work-related child care setting, according to Government studies. Predictions are that by the end of this decade, both parents will be working outside the home in two-thirds of all families. That fact alone is expected to double the number of children under six in child care.

Those parents and their children will enter a system ill-equipped to deal with their needs. In a society predicated on a stubborn, largely mythical belief that mom stays home and takes care of the kids while dad goes out to work, old notions and institutional inertia die hard.

In California, according to the State Department of Social Services, there are more than 30,000 licensed family day care homes (caring for 6-12 children each), 137 licensed infant centers, and nearly 6,000 licensed preschools. The preschools, according to these December 1983 D.S.S. statistics had space for nearly 300,000 children, the infant centers (two years old and under) for a mere 3,215, and the family day care homes space for more than 190,000.

Those numbers don't cover even the latchkey kids in the Senate research report.

Although day care homes, preschools and centers are subject to State licensing requirements, inspections occur only every three years for the centers and preschools by inspectors for D.S.S. or county welfare departments under contract to D.S.S. for the family day care homes, only 10 percent are inspected annually at random after initial licensure.

The evaluators and investigators who inspect the homes and investigate complaints are responsible for a dizzying array of child day care as well as 24-hour board and care facilities which D.S.S. also licenses for disturbed children, the developmentally disabled, the elderly. The workload of these inspectors is gargantuan, and they can only hope to deal with the facilities which regularly get by without a license.

In family day care homes, it is believed by licensing experts that there are as many unlicensed as licensed homes in California.

Lori Nathan was a family day care home, you will recall, and she escaped licensure as so many do.

An editorial writer for the Oakland Tribune recently pointed out quite accurately that a license is no guarantee that a home is good. Although the editorial came out foursquare—as I do—against doing away with the existing, albeit inadequate, family day care licensing system (as suggested by Governor Dukmejian and Governor Brown before him), the writer noted the importance of parents policing their children's out-of-home care.

Ultimately, what is needed is a comprehensive system of licensed facilities which are frequently inspected in unannounced visits by agencies receiving adequate public support—and funding. Perhaps the demand for adequate child care—and the publicity about increasing abuse—will provide that long-needed supporting and funding.

Improved reporting of suspected child abuse is essential. Among other proposals in my office to deal with this increasing problem, we shall hold on June 8 a pilot program in Redondo Beach to expand the highly successful neighborhood watch model to include detection and reporting of child abuse.

How many cases have you seen, how many stories have you read, in which the neighbors were quoted as saying they knew it was going on but declined to get involved, out of fear, inertia, whatever? In the interim, of course, a child was maimed or killed.

Now that child abuse is coming out of the closet as it were, we are hopeful that communities where neighborhood watch has been so successful in deterring home burglaries—that those community residents can be trained in detecting and reporting child abuse.

Among other things, we are developing a block parent program whereby a certain home would be identified where neighborhood children could go when they need help. We will be conducting workshops for neighborhood watch participants in the Redondo Beach pilot program next month and offer specific suggestions and provide material to community residents about the signs of child abuse.

In addition, as part of our partnership to deter school crime, we are working with State Superintendent of Public Instruction Bill Honig to instruct teachers in detecting child abuse.

As part of seminars, we will be conducting in cooperation with the Department of Education later this summer, some 50 representatives of law enforcement and education agencies will be trained to serve, as missionaries if you will, to their school districts. They will be instructed in a variety of techniques and programs to prevent school crime as well as to detect and report child abuse.

A word about teachers.

Although teachers are probably in a better position than anyone to report the signs of child abuse, they have received little professional training to recognize it.

In addition, we asked assemblyman Frank Vicencia, chairman of the Select Committee on Child Abuse, to include special funding to speed automation of the child abuse central registry in the attorney general's office.

There are currently 320,000 names of child abuse suspects and victims in the registry files, with a quite respectable 15- to 20-minute response time to agencies which request information.

The registry is particularly important for use by local law enforcement in identifying an individual suspected of child abuse who may have moved to that jurisdiction and who was suspected of child abuse in another locale. The registry keeps a record of all cases reported by law enforcement, welfare and probation departments and disseminates that information on request to specified local child protective and law enforcement agencies.

Automation of the registry will make this information more readily available and up-to-date. Beyond that, the chief of my Bureau of Criminal Statistics has suggested other uses for the registry, including keeping track of abuse investigations involving care facilities.

As you know, child abuses often tend to be a mobile lot. Consider the possibilities if a suspected abuser decided to move to another jurisdiction, applied for and was granted a license to operate a child care facility. Clearly, this information must be shared with and communicated to the licensing agency.

In the case of child care facilities, it is extremely important that law enforcement and child protective agencies work closely with licensing inspectors who suspect abuse of children in care facilities.

Under current law, licensing workers do not have direct access to the registry, although they are required to notify local law enforcement of suspected abuse which they may observe in the course of their facilities licensing activities.

The Federal and State laws should be changed to allow access by licensing agencies like D.S.S. and county welfare departments to all pertinent information about prospective licensees and employees in facilities which care for children. That access should include the child abuse central registry.

I recognize that such a registry raises questions about fairness to persons who feel they are included improperly. But, there are built-in protections; if this information is used to deny a license or employment, a full appeals process is available to the person who claims a foul.

And, as we deal with fairness issues, let us remember that any balancing test must look to what we are trying to accomplish. Here, it's the protection of our children that in my view should carry great weight.

We will also be seeking statutory changes to expand regulations designed at the legislature's direction by the attorney general's office that presently guide local investigations of child abuse in group homes or 24-hour residential care facilities for children. We will seek authorization to extend those regulations to cover investigations of abuse in child day care facilities, with the aim of making those investigations more professional.

Copies of those regulations, incidentally, are available here today, as part of our recently revised child abuse prevention handbook. In addition, we publish handbooks for mandated reporting groups such as educators, doctors and other medical and non-medical practitioners. I have also brought with me copies of the child abuse registry users guide in use by law enforcement and child protective agencies throughout the State.

In closing, I would like to leave you with a few thoughts.

A clinical psychologist specializing in sexual abuse of children recently described for the Los Angeles Times how public officials and parents can protect their children from harm in a child care center.

The psychologist proposed a system of thorough inspection and surveillance, careful criminal records checks of child care workers, regular and random on-site inspections in which children were interviewed.

"While it is unfortunate," he concluded, "that loving child care operators should be subject to this form of intensive scrutiny, we owe our children vigilance."

So we must do our part as prosecutors, law enforcement and social services professionals. But we must also encourage parents to listen to their children, to hear them out, to take stock—careful stock—of what they say. Don't dismiss their tales, ask them about their day, visit their schools, know their camp counselors and Scout leaders and Little League coaches. Watch for the signs of abuse and act quickly if the signs are there.

The experts will tell you that as a general proposition, children to not lie about child abuse. So when they tell us something is bothering them, we must listen and believe them, and do what is necessary; to do otherwise is to abdicate our responsibility and to abandon our children.

THE CHILDREN'S TIMES,
Brooklyn, NY, September 23, 1984.

Hon. CHARLES B. RANGEL,
Chairman, Subcommittee on Oversight, Ways and Means Committee, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN RANGEL: As Editor of The Children's Times, a Newsletter that informs leading civic, religious and parents' organizations on matters that affect the welfare of the children of New York, I thank you for initiating public hearings of the House Subcommittee on Oversight of the Ways and Means Committee to consider legislation that will put an end to the phenomenal abuses perpetrated upon children all over America.

Please direct that your Chief Counsel, John J. Salmon, file the enclosed six (6) copies of the September/October issue of the Children's Times; in your Committee's records, as our statement on child abuse in New York City. Our findings are based upon verified reports and personal investigations.

As a member of the Citizens Committee for the Children Task Force, I visited the Allerton Hotel on West 22nd Street, New York, in July, and saw for myself how almost $500,000 of public money was wasted and children grievously harmed by New York City Agencies that saw fit to confine hundreds of homeless families in run-down hotels. My report of that encounter, entitled: "Money To Burn and Children To Waste", shows graphically how New York City spends almost $3000 per month, per room, to confine a family of four (4) in a run-down hotel, but refuses to allow $1000 to house the same family, decently, within the communities where they once lived!

The Children's Times requests that you send us a copy of the transcript of the Subcommittee's hearings.

Sincerely yours,

Bertha Jones, *Editor.*

THE
CHILDREN'S TIMES
SEPTEMBER/OCTOBER, 1984

"When a (person) has begotten a child, he is morally bound to tenderly care for it, protect it from hurt, shield it from disease, clothe it, feed it, bear with its waywardness, lay no hand upon it save in kindness and for its own good, and never in any case inflict upon it a wanton cruelty." Mark Twain, Letters from the Earth"

An Open Letter to Governor
Mario M. Cuomo
on
New York State's
man-made disaster:

ABUSE AND MURDER OF THE CHILDREN

Dear Governor Cuomo:

A moral disaster now confronts the people of New York State. The recent flood of horror reports of child abuse, infanticide, murder, maiming, criminal neglect and uncounted malignant cruelties inflicted upon children, in homes and child care centers has shocked the conscience of the civilized world! New revelations of sexual molestation of little children by adults in public institutions come to light every day. The police statistics show that 50,000 children were victims of serious personal injuries and criminal sexual assaults in 1983. The American Humane Society reported that in 1982 103 children died of maltreatment, or had been murdered in the New York Metropolitan area. Every night doctors and nurses in the Emergency Rooms of our hospitals treat dozens of little girls and boys who have been grievously assaulted by adults. Many of these children sustain permanent mental and physical injuries.

Newspapers at home and abroad emblazon the shame of New York State, with banner headlines that say:

"39 children raped in Praca Day Care Center, Bronx";

"9 children dead under supervision of New York Agency";

"60 children abused in 7 New York Daycare centers";

"Sexual abuse of boys . . . a nationwide problem";

"1 million American children abused every year!"

Notwithstanding these sordid revelations and official reports of widespread child abuse in New York, The New York State Assembly Committee on Children & Families was compelled to admit that ". . . for the first time, in 1983, the serious problems of child abuse . . . were addressed by the State government." Nevertheless, the 1984 Legislature enacted only one effective law to protect children from sexual assaults, namely, a statute that allows the conviction of a criminal who rapes or molests a child, on the testimony of the child victim, without independent corroboration.

The Children's Times urges that you convene a special session of the Legislature in November to pass effective laws that will protect the children of New York from mayhem, molestation and moral degradation that threatens to blight their lives forever.

We recommend that you ask the Joint Senate and Assembly Committees on Child Care to conduct hearings throughout the State in September and October, and get the facts that will enable the Legislature to act swiftly in November.

There is no time to lose. Every passing day without State action will witness further destruction of the mental and physical health of hundreds of other children. We are all committed, by our traditions, religions and laws to protect the young from danger and corruption. *The Children's Times* calls upon you to lead the way!

Sincerely yours,
Bertha Jones
Bertha Jones, President
The Children's Times, Inc.

COMPUTERS—AN *EDGE* FOR YOUR KIDS

Senator Frank Lautenberg, of New Jersey, sponsor of The Computer Education Assistance Act, with Senators Kennedy and Moynihan, informed the United States Senate in April, 1984, that:

> "School districts . . . with means . . . have advanced computer tools to work with. Poor urban centers fall far behind. The richer kids have computers at home, computers at a friend's home. Lots of access! Kids in poor areas . . . never really get the opportunity to get trained [in computer technology]."

Senator Frank Lautenberg predicted that unless computers are made available to all children, rich and poor alike, America will face further class divisions and greater internal conflict than ever before.

Mr. Joe Ioni, New York City Board of Education Coordinator for Curriculum, told *Personal Computing Magazine*, September, 1984, that:

> ". . . the rich school districts [of New York City] have computers and the poor districts don't." He said, "I don't know if [this problem] will go away in time. I think we've got to give it some help."

The University of Minnesota announced that "the 12,000 wealthiest schools of America are four times more likely to have micro-computers that the 12,000 poorest." The *Minnesota* report also found that, "when schools in poor neighborhoods have computers they are usually used only for drills, like 'flash cards.' On the other hand, in more affluent schools, micro-computers are used to develop programs, stimulate new interests and improve skills."

THE CHILDREN'S TIMES RECOMMENDS THAT PARENTS AND TEACHERS write to:
United States' Senator, Alphonse D'Amato
Senate Office Building, Washington, D.C.
Urge that he back the *Computer Education Assistance Act of 1984*.

Congressmen Stephen J. Solarz, Major Owens, Edolphus Towns, Charles Rangel, Mario Biaggi, and S. William Greene
House Office Building, Washington, D.C.
Urge them to back the *Computer Literacy Act of 1984*; sponsored by Representative Timothy Wirth.

—and buy:
The New best-seller book: *Help Your Child Succeed With a Computer*, by Carol & Herb Klitzner, (Members of the Children's Times Associates!); published by Simon & Schuster.—**$15.95**

HONOR ROLL OF CHILD ADVOCATES

Joan Stake, Human Resources Administrator who was "fired" for exposing her own Agency—Special Services for Children—for covering up information about the deaths of nine children who had been victims of physical assaults. For more than one year the Agency sat on the damaging report because the complaints about child-abuse had been known to its officials before the deaths, in each case. When Joan Stake demanded the publication of the reports, her superiors called her "emotional and unstable" and told her to quit her job! *The Children's Times* hails the reinstatement of **Joan Stake** as a victory for decent people everywhere! —a "profile in courage."

Gail Sheehy, *Daily News'* reporter, who made public the sad stories of her own traumatic experiences as a victim of sexual molestation, when she was a little girl to *Parade Magazine*, July 29, 1984 . . . under the title, *"When A Child Is Abused Are You Ready To Listen?"* **Gail Sheehy** writes about children in the tradition of the immortal Charles Dickens. Congratulations!

Arthur T. Davidson, doctor and lawyer, who has devoted his talents and professional expertise to organize day-care centers for working mothers in poor neighborhoods of New York City. He is called "Brooklyn's Country Doctor" . . . for 39 years, and Lawyer Davidson for 10 years. Soon he will be the famous writer, Dr. Davidson. *The Children's Times* calls him "a modern Renaissance man!"

MONEY TO BURN AND CHILDREN TO WASTE

The City of New York is pouring millions of our tax dollars into rat-holes, called hotels, where thousands of homeless children are herded together with their parents in cramped rooms. The dangerous streets become their playgrounds, the sidewalks are their living rooms.

A VISIT TO THE ALLERTON "HOTEL"

Last month I visited the Allerton "Hotel" on West 22nd Street in Manhattan—with two representatives of the Citizens Committee for the Children—to investigate the living conditions of 300 children who are forced to live for months in single rooms. These poor people have been driven from their homes by arson-fires, dangerous buildings and evictions. The City of New York pays hotels like the Allerton $80 per room, per day, per family for one room, without a kitchen. The Allerton is a dingy, grimy building that stretches 50 feet along 22nd Street, west of 8th Avenue. When we arrived at noon, dozens of children were wandering aimlessly up and down, around and around, in front of the hotel. No one was in charge of thirty kids, of all ages, who were hanging around the hotel entrance or sitting on the cars parked along the curb. One lively little 4-year-old girl was running wildly in and out of the front door, obviously taking care of herself. Three young mothers, with babies in their arms, stood in front of the building looking anxiously toward Eighth Avenue, as though waiting for the mailman or a friend to come around the corner. Inside the gloomy lobby was a make-shift cubicle, that was the office of the City's "Crisis Intervention Worker," assigned by the Human Resources Administration to assist the 400 homeless people in their search for apartments, schools and clinics. Mr. Krause, the "Crisis Worker," with whom we had an appointment, was not in his office. He showed up two hours later, after a long lunch hour, that ended at 2 p.m. The supervisor, Mr. Green, was in the lobby during our wait, but did not identify himself until the "Crisis Worker" arrived. When Mr. Krause entered, Mr. Green approached us and said, "I am the Supervisor, I'm in charge!"

WE MEET THE ALLERTON HOTEL MANAGER

When we entered the Allerton at noon we were confronted by a blond lady, who introduced herself as Ms. Carole Turner, "Manager." Ms. Turner demanded to know what we were doing in her hotel. When we said that we had come to interview the parents and investigate the conditions of the children, with the City's representative, Turner told us that we should ". . . stop bothering" her! She abruptly refused to allow us to speak to the women who were present in the lobby or to go upstairs to visit with any residents. Several young mothers who had come closer to us, with friendly smiles on their faces, ducked away, quickly, when they heard Ms. Turner raise her voice in anger. (We learned later that all of the homeless women feared Turner because she could order them evicted overnight, without appeal.)

THE ALLERTON HOTEL —A MONEY-MAKING MACHINE

When we asked Carole Turner the cost of the single rooms, she replied, "Sure, I'm making $80 a day from the City for every room! And why not! This is a free country, isn't it? I'm entitled to make as much profit as the traffic can bear!" When we pointed to the dirt and lack of furniture in the lobby, Turner remarked that when she accumulated enough money from rents, "I'll fix it up." At the rate of $2500 per day that the City pays Allerton for 90 families, Ms. Turner should reap half a million dollars, a small fortune, within 6 months! We felt certain, however, that very little of the City's money would be used to repair the flea-bag hotel called "The Allerton" because the Human Resources Administration officials didn't care enough.

THE "CRISIS WORKER" ARRIVES

When Mr. Krause walked in at 2 p.m., we asked him and his boss, Mr. Green, what arrangements they had made to find schools and recreation for the 300 displaced children who had been placed in the Allerton by the HRA. Both officials reacted like arrested felons in a police station. They looked at each other nervously and refused to answer any questions. Mr. Green, in anquish, finally told us to "Go downtown for information." He said, "I have no right to let you talk to these people or take you up to see their rooms." After an hour of futile pleading with the "Crisis Worker" and his boss, we left the Allerton no wiser than when we came! But the following facts and figures speak for themselves . . . !

	ALLERTON HOTEL (Single Room)	**4-ROOM APARTMENT** (with kitchen)
	Monthly allowance for a family of 4	
Rent	$2,400.00	$650.00 (Note: NYC only allows $270 per month for rent.)
Carfare	23.40	none
Food*	514.00	258.00**
Utilities	None	38.70
Total:	$2,937.40	$946.70 (Needed . . . but not allowed) $566.70 (Allowed by City of New York)

* Food in Restaurants

** Food at Home

The City of New York pours out almost $3000 per month to imprison homeless families in run-down "Hotels," thereby unjustly enriching fat-cat Real Estate sharks, but refuses to allow the same families one-third of that amount to live decently in their own apartments!

The Children's Times demands that the Mayor and City Council stop this cruel waste of human lives. This wanton waste of public money must end!

Bertha Jones

THE CHILDREN'S TIMES ASSOCIATES NEWS ITEMS

ASSOCIATES ELECT OFFICERS

The Children's Times Associates elected officers at an organizational meeting held on August 2, 1984. Dr. Joyce Sudeall, Chair Pro-Tem was elected President. Other officers designated for one year were: Ina Northey, Vice-President; Mary Jones, Secretary; and Beryl Hopson, Treasurer.

ANNUAL MEETING

Dr. Sudeall announced that the first annual meeting of The Children's Times Associates would be held on Friday, September 21st, 1984, 7:30 p.m. at the Parish Hall of St. Ann & The Holy Trinity Church, 122 Pierrepont Street, Brooklyn.

Dr. Josephone Kerr, Director of the Adolescent Unit, Department of Pediatrics, Harlem Hospital, and noted pediatrician, will speak on: "Babies Having Babies".

The public is cordially invited to hear Dr. Kerr and meet the newly elected officers. Refreshments will be served.

GARDEN PARTY

The Associates invite all members and friends to the **End of Summer Garden Party** on Sunday, September 9, 1984 in the glorious garden of Vice-President, Ina Northey, 195 Prospect Place, Brooklyn. From 2 to 6 p.m., guests will eat, drink and listen to music. Donations (tax deductible) are requested and will be used to purchase clothing and personal gifts for the children confined in City Hospitals for long periods of time.

AN INVITATION: Everyone who wishes to contribute a modest amount of time and effort to advance the interests of all children is welcome to JOIN THE CHILDREN'S TIME ASSOCIATES . . .

You will be able to:

1. Develop programs to improve the education and welfare of the children of New York.
2. Meet child experts twice a year for informed consultations.

Fill out and mail the membership form today to:

Dr. Joyce Sudeall, President
The Children's Times Associates
91 Atlantic Avenue
Brooklyn, New York 11201

Dear Dr. Sudeall:

Please enroll me as a member of
The Children's Times Associates

NAME: ____________________

ADDRESS: ____________________

__________(Zip Code)__________

TELEPHONE: ____________________

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STATEMENT OF CITIZENS AGAINST MORAL POLLUTION, TURNERSVILLE, NJ

The future belongs to children who are not yet born. The cultural matrix in which they will grow is being formed now in our society. Just as their physical health is protected and ensured by various means, including nutritional education and food supplement programs, immunization, and an on-going health network; so mental health is furthered by schools, churches and other agencies.

But the emotional health of millions of children is being attacked daily by the pornography rampant in our Nation today. There are many contributing factors to this all-pervasive malaise; chief among them the lack of values being instilled by a society in which moral relativism is endemic.

Acquired immune deficiency syndrome was quickly recognized as a threat to the physical health of the nation. Pornography is as virulent a disease, attacking the emotional body of all. Just as some individuals are more vulnerable to a particular disease, so some are more susceptible to the effects of pornography—witness then 649%[1] rise in the reported cases of sexual child abuse since 1976. "The true number could easily be ten times as large."[2]

There is no constitutional right to promulgate disease—and pornography is a disease. The hour has struck. The true nature of pornography, its degree of pervasiveness, and its far-reaching effects are now recognised. The members of the body politic are responsible—and accountable.

STATEMENT OF REV. ROBERT J. VITILLO, DIOCESE OF PATERSON SECRETARIAT FOR SOCIAL MINISTRIES, PATERSON, NJ

(This testimony is offered by Rev. Robert J. Vitillo, a Roman Catholic priest, professional social worker, member of the Adademy of Certified Social Workers, Chairperson of the New Jersey Conference of Catholic Charities Directors, and Chief Executive Officer of a large complex of social services which are sponsored by the Roman Catholic Diocese of Paterson, New Jersey.)

It is with a sense of great honor, but also of much urgency, that I am responding to the invitation to present testimony to such an esteemed body. As a minister of religion, professional social worker, and social work administrator and educator, I am most distressed by the recent discoveries of abuse within the delivery system for day care services in several states. I realize that these concerns are shared equally by the members of your committee; all local, state, and federal legislators; professionals in the field of human services; the families which seek day care services; and the general public. I do believe that such abuses represent the rare exception rather than the norm in the delivery of day care services and hope that the entire day care system, which has made untold professional progress during the last twenty years, will not be repudiated or penalized because of such exceptional abuses. In any even, not even one instance of abuse can be condoned or tolerated, and it is incumbent upon us who have dedicated ourselves to serve the common good, to respond appropriately with preventive measures.

It is my firm belief that the most potential for abuse can be found in those day care programs which are not founded upon clearly articulated professional values and exist independently from a professionally-organized and structured social service organizations. For this reason, I am convinced that our federal government must enact certain minimum health, safety, and programmatic standards for all day care operations. States should then be directed to enforce such standards through mandatory licensing reviews which are performed at a minimum of once per year. These standards should be drafted through a collaborative effort of Federal and state licensing experts; professional day care administrators, supervisors and line staff; and consumers of day care services. The accreditation standards which have been prepared by the Council on Accreditation of Services for Families and Children, Inc. (67 Irving Place, New York, New York) might provide an excellent model for the preparation of such minimum standards. As a peer reviewer for the Council, I have applied their criteria for acceptable day care services during evaluation visits to several agencies and have found these criteria to be fair, objective, yet adequate to insure the delivery of high quality services.

I fully realize that there are substantial numbers of church-based and community-group-sponsored day care operations which would not presently comply with minimum licensing standards. Our goal in this matter should not be to eliminate such services, since we have more than sufficient documentation of additional need for day care slots in this country. Most of the day care programs sponsored by these religious and grass roots organizations are well motivated and disposed toward the provision of quality services, but are limited by lack of resources in their ability to implement such standards. Many parents prefer to place their children in such locally-based day care services because of the strong religious and community-oriented values which these organizations are able to communicate to their children as well as the flexibility with which these programs can respond to the needs of the families.

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[1] Childrens Division of the American Humane Association, Denver, CO.

[2] David Finkelor, association director, family violence research program, University of New Hampshire.

It is my opinion that the local, state, and federal government must be prepared to address the above-mentioned situation by further enhancing the public/private partnership in the provision of human services in the United States. Our government must locate and make available the financial means, either through loans or direct grants, to those day care operations which will find it necessary to upgrade facilities and services in order to meet minimum licensing standards. I realize that this request may not fall upon well-disposed ears at a time when our government has sought to limit spending for human services. Such additional budget allocations can be seen, however, as a vital investment in preserving the present health, safety, and welfare of our families, especially our children, and in developing the future potential and contributions which these children will make to our country as they grow to responsible adulthood and citizenship.

In summary, it is my strong conviction that the response of our government, the professional community, and the general public to the present abuses in provision of day care services should focus much more on enactment of general licensing standards and enhancement of the professional base of such services, rather than on restrictive and punitive interventions toward the entire day care service delivery system. We Americans can be rightfully proud of complex of human services which we provide to our citizens. Day care is of vital importance, especially to the children of working parents who must struggle in the market place in order to remain financially self-sufficient. The public and private sectors must strengthen their admirable tradition of cooperation in order to insure that the highest quality and maximum benefit will be made available to those children who have been entrusted to our care.

STATEMENT OF HON. BARBARA A. MIKULSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman, thank you for the opportunity to comment on this issue of great concern to so many American families.

Addressing the problem of sexual abuse in child care centers is a disturbing but essential task. We have all heard about recent scandals involving child abuse in care facilities. As a social worker, I know the trauma and pain accompanying these occurrences. As a legislator, I am heartened by the opportunity we have here to help remedy this critical situation.

These incidences of sexual abuse of children don't happen because the children are in day care. They happen because this country lacks a comprehensive child care policy, supported by adequate funding and including national standards, which would guarantee all parents the right to quality, affordable safe care facilities for their children.

Sexual abuse of children at care centers highlights the need for additional and regulated child care facilities, channels through which to report abuse, and remedies directed at the abused children, their families, and the offenders. In Maryland, groups such as the Governor's Task Force for Child Abuse and Neglect, the Child Protection Review Panel of the Social Sevices Administration, the H.E.L.P. Resource Project, and the Maryland Committee for Children are doing a superb job providing this sort of assistance. But their resources are stretched thin and it is becoming harder and harder to do the job.

The demand for child care services has been well documented. About 19.5 million children 13 years old or younger live in families in which all parents present work. One third of these children are under age 6. In addition, 4.3 million children 13 years and under, including 1.3 million under 6, live in one-parent families where the parent works. These families have no alternative but to find a care situation for their children.

The Child Care Information and Referral Services Act, which I introduced, establishes a grant program to fund referral services that will link families in need of child care with the already existing programs in their area. Such a service, the prototype of which is the Maryland Committee for Children's "Locate" program, would also document the availability of and demand for child care services, and would improve the quality and quantity of providers by gathering data on local needs and references. This type of federal assistance will directly facilitate the efficient use of existing care programs and indirectly encourage expansion and upgrading of services targeted to community needs.

Demographic changes—such as the increasing population of young children, the anticipated rise in numbers of children living with only one parent, and the increased labor participation of mothers—point to significant increases in demand for child care. Clearly this demand crosses socio-economic lines. Thus child care programs must be available to low-income families as well as to those who can more easily afford day care.

At the same time that demand is increasing, funding for child care services has been slashed. Title XX, the cornerstone of funding for child care resources, was cut by 21 percent in 1981. The Reagan Administration has proposed reductions in funding for social services each year since. Child care programs, strapped with increasing costs and enrollment, and decreasing funds, are forced to make an impossible choice. The quality and number of staff, and the safety of facilities may be compromised. As a result, the well-being of the children is at stake.

In 1983, the Maryland Social Services Administration received 1300 reports of suspected incidences of child sexual abuse. Of these, 9 reported cases occurred in day care homes and centers. Clearly, sexual abuse of children is not limited to day care facilities. But the horror of child care scandals merits our special attention. Government action, parental participation, and private initiative can make a difference.

Safe, quality, affordable child care is an investment in our children's future and is essential to America's families. There is an appropriate and obvious role for the federal government. We need to establish a national standard for care programs. We need to coordinate the exchange between states of information concerning child care workers' criminal records. We need to provide funding to programs and financial assistance to parents in need. We need to help establish information and resource referral services for families searching for an appropriate care program. We need to provide incentives for employers to address the need of their workers for child care.

These hearings are an excellent beginning. I look forward to continuing our work highlighting the problems and focusing on some solutions.

SUMMIT CHILD EVALUATION CENTER, INC.,
Jersey City, NJ, September 21, 1984.

Mr. JOHN J. SALMON,
Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.

DEAR SIR: We were invited by Congressman Frank Guarini to submit a statement based on our expertise concerning child abuse in federally funded day care centers.

We wish to support Congressman Guarini's efforts in this area, as we treat daily children who are victims of abuse in many areas. Our agency serves children and their families in Hudson and Essex Counties in New Jersey. We are a private, proprietary agency, not funded and have served the community for the past 6 years. We work closely with the Head Start pre-school programs and wish to state that the hiring and supervision policies of Head Start are designed to prevent any adverse treatment of any child. We have had one case of abuse in a federally funded day care center in Newark. The custodian was a relative of the director and the Division of Youth and Family Services did not follow through on an effort to have him ousted from his job, after he took a lie detector test. The child's mother hesitated to have the child serve as a witness.

We recommend to the committee that the systemic program of day care centers that are federally funded be organized under the aegis of the Head Start program so that the benefit derived by the children in Head Start can be obtained by the children in the day care center programs. In this manner, the health and safety of the children could be assured.

Sincerely,

PHYLLIS W. PALM, PH.D.,
Administrative Director.

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